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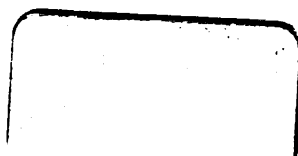
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# ACTS

OF THE

# STATE OF TENNESSEE

=

PASSED BY THE

FIFTY-SIXTH GENERAL ASSEMBLY

1909

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PUBLISHED BY AUTHORITY

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NASHVILLE, TENN  
McQUIDDY PRINTING COMPANY  
1909



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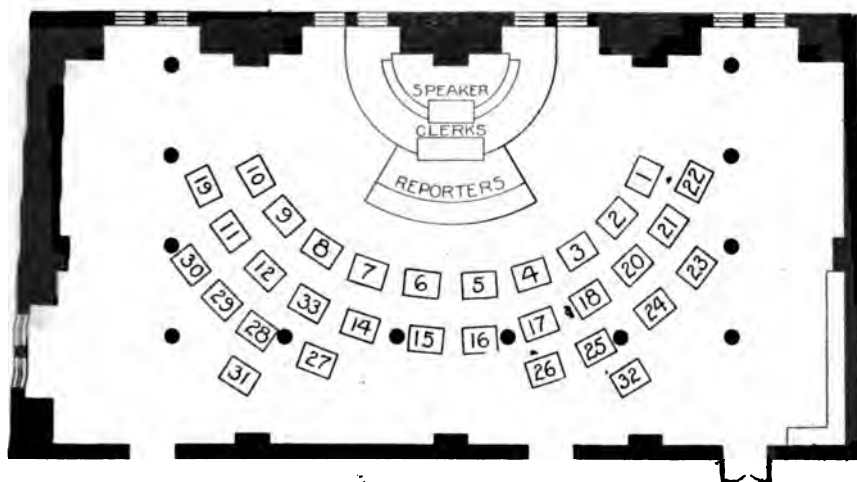
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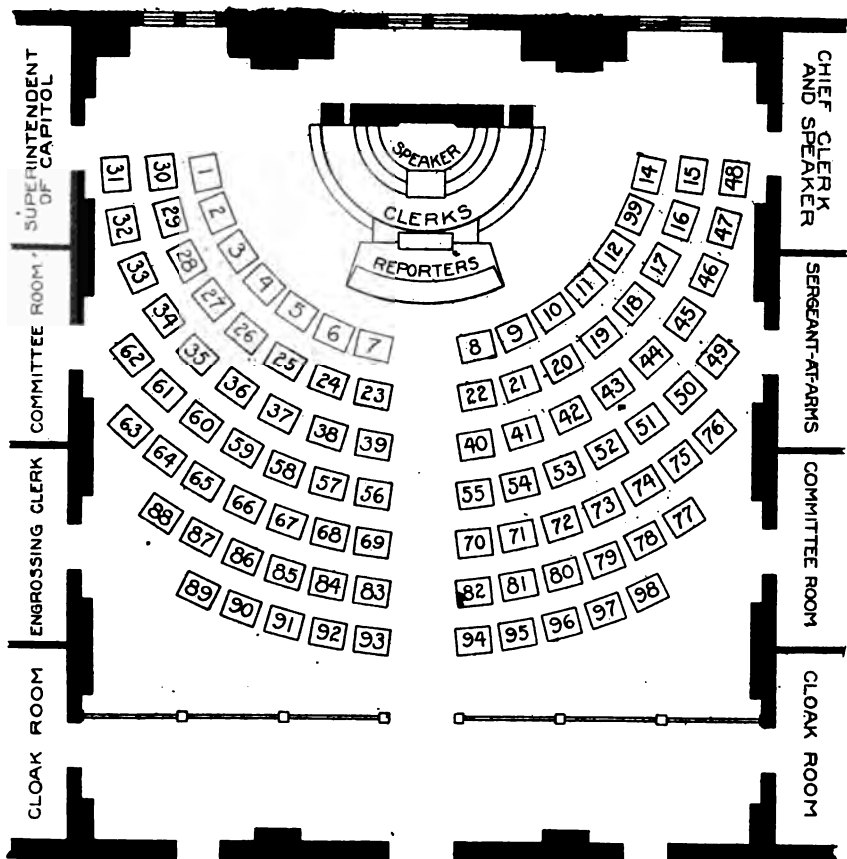


SENATE CHAMBER

SENATORS	Seat No.	SENATORS	Seat No.	SENATORS	Seat No.
Mr. Speaker Kinney..	.....	Holladay.....	8	Matthews.....	12
Askew.....	16	Hord.....	15	Muse.....	7
Banks.....	31	Howse.....	9	Neal.....	10
Baskerville.....	24	Huffaker.....	21	Parham.....	22
Blackburn.....	17	Kelly.....	18	Sells.....	28
Cooper.....	19	Kimbrough.....	26	Senter.....	80
Cox.....	8	Lane.....	14	Sugg.....	29
Cummings.....	33	McKay.....	32	Swab.....	1
Fisher.....	4	McKinney.....	6	Thomas.....	25
Fort.....	11	McRee.....	20	Turner.....	27
Greer.....	24	Mansfield.....	2	Ward.....	5

Prepared by Wm. L. Sawyer, Superintendent of Capitol.





HALL OF HOUSE OF REPRESENTATIVES

REPRESENTATIVES	Seat No.	REPRESENTATIVES	Seat No.	REPRESENTATIVES	Seat No.	REPRESENTATIVES	Seat No.
Mr. Speaker Taylor	1	Futrell	70	McDade	8	Rogers	88
Alexander	19	Galloway	21	McLaughlin	66	Rule	48
Ashley	98	Garrett	27	McWhirter	85	Scott	57
Bates	51	Goodman	40	Maples	99	Shaw	15
Beaumont	37	Graves	94	Marshall	45	Sipes	47
Bergchicker	90	Grissam	18	Massa	43	Smith	35
Brooks of Hawkins	81	Gross	51	Matthews	56	Sparks	62
Brooks of Cocke	16	Hall	59	Messick	87	Stewart of Cannon	25
Brown	76	Hannah	53	Miller	68	Stewart of White	32
Burford	86	Harper	91	Mitchell	5	Stout	93
Burbridge	92	Harris	65	Moore of Obion	26	Stovall	81
Buttry	74	Helm	98	Moore of Haywood	97	Tatum	7
Carden	40	Hickman	87	Moore of Clay	9	Thatch	46
Carson	28	Hoover	75	Murphy	79	Thomas	14
Cheatham	30	Horn	64	Neely	6	Tidwell	29
Chestnutt	20	Humphreys	68	Newport	10	Townsend	46
Cleage	41	Johnson	69	Phelan	77	Webb	73
Cole	8	Ketchum	38	Phillips	58	White	50
Conger	11	Langford	81	Poston	83	Whitfield	80
Cooper	55	Leach	81	Purveyar	4	Wilkinson	39
Crisman	34	Jackson	1	Payne	72	Watson	42
Dixon	23	Lenoir	12	Rambo	49	Williams	84
Draper	82	Lipscomb	22	Reeves	71	Wiseman	60
Drummond	44	Lockert	26	Rickman	61	Worley	24
Fitzhugh	2	Luther	17	Robinson	52		



# STATE OF TENNESSEE

MALCOLM R. PATTERSON	Governor
HALLUM W. GOODLOE	Secretary of State
FRANK DIBRELL	Comptroller of Treasury
REAU E. FOLK	Treasurer

## OFFICERS AND MEMBERS FIFTY-SIXTH GENERAL ASSEMBLY

### SENATE—OFFICERS

NAME	OFFICE	COUNTIES REPRESENTED	HOMR COUNTY	POST OFFICE
Kinney, William.....D	Speaker.....	Haywood and Fayette .....	Haywood.....	Brownsville
Thomas, Edward W.,D	Chief Clerk .....	.....	Humphreys.....	Waverly
Tansil, Tom .....	Assistant Clerk .....	.....	Williamson .....	Franklin
Cason, Charles.....D	Journal Clerk.....	.....	Marshall .....	Chapel Hill
Barry, Miss Mary L.....	Engrossing Clerk.....	.....	Sumner .....	Gallatin
Amis, Miss Porter.....	Asst. Eng. Clerk.....	.....	Williamson .....	Franklin
Boatright, T. R. E.,D	Sergeant-at-Arms.....	.....	Davidson .....	Nashville
Noland, T. W.,.....D	Chaplain.....	.....	Davidson .....	Nashville
Brown, Robert F.,.....D	Doorkeeper.....	.....	Davidson.....	Nashville

### MEMBERS

SEAT NO.	NAME	COUNTIES REPRESENTED.	HOME COUNTY	POST OFFICE
16	Askew, A. H. ....D	Madison, Henderson, and Chester ..	Madison.....	Jackson
31	Banks, George E.....D	Marion, Franklin, Grundy, Warren ..	Franklin.....	Winchester
28	Baskerville, James T.....D	Sumner, Trousdale, and Macon .....	Sumner.....	Gallatin
17	Blackburn, J. K. P.....D	Giles, Lawrence, and Wayne .....	Giles.....	Lynnville
19	Cooper, Sam M.....D	Knox, Loudon, Monroe, and Polk.....	Knox.....	Fountain City
8	Cox, John I.....D	Sullivan and Hawkins .....	Sullivan.....	Bristol
33	Cummings, William H.,D	Hamilton .....	Hamilton.....	Chattanooga
4	Fisher, James Nelson.....D	Wilson and Smith.....	Smith.....	Carthage
11	Fort, Dancy.....D	Montgomery and Robertson.....	Montgomery ..	Clarksville
24	Greer, John A.....D	Maury, Perry, and Lewis .....	Perry.....	Linden
8	Holladay, Oscar K.....D	Fentress, Pickett, Clay, Overton, Putnam, Jackson.....	Putnam.....	Cookeville
15	Hord, T. E.....D	Rutherford, Cannon, and DeKalb ..	Rutherford.....	Florence
9	Howse, Hillary E.....D	Davidson .....	Davidson.....	Nashville
21	Huffaker, Von A.....R	Knox .....	Knox.....	Knoxville
18	Kelly, P. Harry.....D	Shelby .....	Shelby.....	Memphis
26	Kimbrough, Virginius.....D	Tipton and Shelby .....	Tipton.....	Atoka
14	Lane, H. H.....D	Hickman, Williamson, Cheatham ..	Williamson.....	Franklin
82	McKay, H. M.....D	Shelby .....	Shelby.....	Memphis
6	McKinney, J. W.....D	Henry and Carroll .....	Carroll.....	Whithorne
20	McRee, F. M.....D	Lake, Obion, and Weakley .....	Obion.....	Union City
2	Mansfield, Fred L.....R	Anderson, Roane, McMinn, Bradley, and James.....	McMinn.....	Athens
13	Matthews, A. A.....D	Davidson .....	Davidson.....	Nashville
7	Muse, George P.....D	Bedford, Coffee, and Moore .....	Bedford.....	Bellbuckle
10	Neal, John Randolph.....D	Rhea, Meigs, Bledsoe, Sequatchie, Van Buren, White, Cumberland ..	Rhea.....	Rhea Springs
23	Parham, William E.....R	Cocke, Hamblen, Jefferson, Sevier, and Blount.....	Blount.....	Maryville
26	Sells, Sam R.....R	Johnson, Carter, Unicoi, Washington, and Greene .....	Washington.....	Johnson City
30	Senter, James D.....D	Gibson .....	Gibson.....	Humboldt
29	Sugg, Jeff Davis.....D	Lincoln and Marshall .....	Lincoln.....	Harms
1	Swab, Daniel Cooper.....R	Hancock, Grainger, Claiborne, Union, Campbell, Scott, and Morgan ..	Claiborne.....	Hartranft
25	Thomas, Dorsey B.....D	Hardeman, McNairy, Hardin, Decatur, and Benton.....	Benton.....	Camden
27	Turner, C. W.....D	Dickson, Humphreys, Houston, and Stewart .....	Humphreys.....	Waverly
6	Ward, W. H.....D	Dyer, Lauderdale, and Crockett.....	Dyer.....	Dyersburg

# HOUSE OF REPRESENTATIVES—OFFICERS

NAME	OFFICE	COUNTIES REPRESENTED	HOME COUNTY	POST OFFICE
Taylor, M. Hillsman D	Speaker	Gibson	Gibson	Trenton
Martin, Edward B. D	Chief Clerk		Davidson	Nashville
Wilson, Fred T. D	Assistant Clerk		Smith	Carthage
Walsh, Thomas J. D	Journal Clerk		Gibson	Humboldt
Jones, Mrs. Robt. A. D	Engrossing Clerk		Davidson	Nashville
Bolton, Miss Minnie. D	Asst. Engrossing Clerk		Williamson	Franklin
Harlan, Elizabeth D	Asst. Engrossing Clerk		Maury	Mt. Pleasant
Whitaker, William B. D	Sergeant-at-Arms		Maury	Columbia
Farris, Loring J. D	Asst. Sergeant-at-Arms		Coffee	Tullahoma
Polk, James K. D	Asst. Sergeant at-Arms		Davidson	Nashville
Allen, George R. D	Chaplain		Trousdale	Hartsville
Taylor, G. M. D	Doorkeeper		Marshall	Lewisburg

## MEMBERS

SEAT NO.	NAME	COUNTIES REPRESENTED	HOME COUNTY	POST OFFICE
19	Alexander, D. B. D	Claiborne	Claiborne	Old Town
86	Ashley, V. B. D	Marshall	Marshall	Coinersville
54	Bates, Samuel Ogden D	Shelby	Shelby	Memphis
87	Bennett, Hugh T. D	Gibson	Gibson	Fruitland
90	Bergschicker, William D	Shelby	Shelby	Memphis
81	Brooks, Henry C. D	Hawkins	Hawkins	Rogersville
16	Brooks, John R. D	Cocke	Cocke	Bridgeport
76	Brown, J. D. D	Greene	Greene	Baileystown
86	Buford, F. G. D	Fayette	Fayette	Somerville
92	Burbage, George E. D	Greene, Washington, Union	Washington	Johnson City
74	Buttry, M. R. D	Hancock, Grainger	Hancock	Sneedville
40	Carden, Frank S. D	Hamilton	Hamilton	Chattanooga
28	Carson, T. Bun. D	Lauderdale	Lauderdale	Ripley
80	Cheatham, James B. D	Lincoln	Lincoln	Coldwater
20	Chestnut, Samuel Lee D	Sullivan, Hawkins	Hawkins	Rogersville
41	Cleage, William B. D	Hamilton	Hamilton	Chattanooga
3	Cole, John Freeman D	Henry	Henry	Paris
11	Conger, J. E. D	DeKalb	DeKalb	Smithville
56	Cooper, Samuel H. D	Shelby	Shelby	Memphis
84	Crisman, James Joseph D	Williamson	Williamson	Arrington
23	Dixon, Currie. D	Haywood	Haywood	Brownsville
82	Draper, R. Garland D	Jackson	Jackson	Gainesboro
44	Drummond, John W. D	Knox	Knox	Knoxville
2	Fitzhugh, P. P. D	Stewart	Stewart	Dover
70	Putrell, J. G. D	Madison	Madison	Medina
21	Galloway, W. Thomas D	Maury	Maury	Columbia
27	Garrett, R. C. D	Bedford	Bedford	Unionville
89	Goodman, Leo D	Shelby	Shelby	Memphis
94	Graves, J. S. D	Scott, Campbell, Union	Union	Maynardsville
18	Grissam, Clyde D	Carroll	Carroll	McKenzie
51	Gross, Thomas J. D	Anderson, Morgan	Anderson	Coal Creek
59	Hall, John Fielder D	Madison, Henderson	Henderson	Lexington
58	Hannah, J. Clint D	Giles	Giles	Lynnville
91	Harper, D. W. D	Weakley	Weakley	Martin
65	Harris, A. J. D	Robertson	Robertson	Springfield
98	Helm, Wm. B. M. D	Jefferson, Hamblen	Jefferson	White Pine
67	Hickman, Litton D	Davidson, Wilson	Davidson	Nashville
75	Hoover, C. P. D	Hardin	Hardin	Hamburg
78	Horn, W. D. D	Shelby	Shelby	Brunswick
64	Humphreys, J. C. D	Crockett	Crockett	Bells
1	Jackson, Jesse C. D	Hardeman	Hardeman	Toone
68	Johnson, Wm. H. D	Shelby	Shelby	Memphis
69	Ketchum, A. W. D	Shelby, Fayette	Shelby	Memphis
88	Langford, Frank D	Davidson	Davidson	Nashville
81	Leach, A. M. D	Montgomery	Montgomery	Clarksville
12	Lenoir, W. G. D	Knox, Loudon	Loudon	Philadelphia
22	Lipscomb, A. A. D	Maury	Maury	Columbia
26	Lockert, Wm. S. M. D	Williamson, Robertson, Cheat-ham	Cheatham	Ashland City
17	Luther, E. O. D	Monroe	Monroe	Madisonville
8	McDade, G. R. D	Obion, Lake, Dyer	Obion	Troy
66	McLaughlin, J. M. M. D	Davidson	Davidson	Nashville
86	McWhirter, W. R. D	Weakley, Henry, Carroll	Weakley	Draden
90	Maples, Pink D	Sevier	Sevier	Sevierville
45	Marshall, J. K. P. D	Polk, Bradley, James	Bradley	Cleveland
48	Massa, S. R. D	Putnam	Putnam	Cookeville
56	Matthews, J. Roscoe D	Davidson	Davidson	Nashville

# MEMBERS

SEAT No.	NAME	COUNTIES REPRESENTED	HOME COUNTY	POST OFFICE
87	Messick, R. C.	D Coffee	Coffee	Beech Grove
88	Miller, R. F.	D Tipton	Tipton	Brighton
8	Mitchell, Frank P.	D Warren	Warren	McMinnville
85	Moore, E. N.	D Obion	Obion	Obion
97	Moore, J. W. E., Jr.	D Haywood, Hardeman, Chester	Haywood	Brownsville
9	Moore, Philip M.	R Clay, Pickett, Fentress, Overton	Clay	Moss
79	Murphy, John P.	D Davidson	Davidson	Nashville
6	Neeley, M. E.	D Rutherford	Rutherford	Walter Hill
10	Newport, W. E.	D Lauderdale, Tipton	Lauderdale	Halls
73	Payne, Homer P.	D Sequatchie, Bledsoe, Grundy, Van Buren, Cumberland	Sequatchie	Dunlap
77	Phelan, Hunt	D Shelby	Shelby	Memphis
58	Phillips, W. H.	D Hickman	Hickman	Centerville
83	Poston, Robert	D Overton	Overton	Oak Hill
4	Furyear, David B.	D Sumner	Sumner	Gallatin
49	Rambo, Thomas A.	R Knox	Knox	Knoxville
71	Reeves, W. R.	D Washington	Washington	Jonesboro
61	Rickman, M. D.	D Macon, Sumner, Trousdale	Trousdale	Hartsville
52	Robinson, J. N.	D Madison	Madison	Jackson
33	Rogers, J. T.	D Benton, Decatur	Decatur	Decaturville
43	Rule, A. M.	R Blount	Blount	Maryville
87	Scott, Harold L.	D Davidson	Davidson	Nashville
15	Shaw, Walter C.	R Roane	Roane	Harriman
47	Sipes, J. P.	R McNairy	McNairy	Selmer
35	Smith, John H.	D Franklin	Franklin	Winchester
62	Sparks, Jesse	D Humphreys, Perry	Perry	Pope
25	Stewart, H. T.	D Cannon	Cannon	Woodbury
32	Stewart, John F.	D White	White	Sparta
38	Stout, John M.	R Johnson, Carter	Johnson	Doeville
84	Stovall, Tom A.	D Smith	Smith	Dixon Springs
7	Tatum, S. B.	D Dyer	Dyer	Dyersburg
45	Thach, P. H.	R Marion	Marion	Jasper
14	Thomas, Frank	R McMinn	McMinn	Riceville
29	Tidwell, F. F.	D Dickson	Dickson	Burns
98	Townsend, W. J.	R Giles, Lawrence, Lewis, Wayne	Wayne	Waynesboro
42	Watson, Charles	D Hamilton	Hamilton	St. Elmo
50	Webb, Eugene Mitchell	R Knox	Knox	Knoxville
75	White, Walter	R Meigs, Rhea	Rhea	Spring City
80	Whitfield, Hervey	D Montgomery, Houston	Montgomery	Clarksville
89	Wilkerson, J. Morgan	D Davidson	Davidson	Nashville
30	Williams, Julius H.	D Wilson	Wilson	Lebanon
60	Wiseman, Thomas, Jr.	D Bedford, Moore, Lincoln	Moore	Lois
24	Worley, J. Parks	D Sullivan	Sullivan	Bluff City

D—Democrat. R—Republican. P—Prohibitionist.





# ACTS

OF THE

## GENERAL ASSEMBLY of the STATE of TENNESSEE

PASSED BY THE

### FIFTY-SIXTH GENERAL ASSEMBLY,

WHICH WAS BEGUN AND HELD AT NASHVILLE, ON THE FIRST  
MONDAY IN JANUARY, IN THE YEAR OF OUR LORD  
ONE THOUSAND NINE HUNDRED AND NINE.

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#### CHAPTER 1.

#### SENATE BILL No. 1.

(By Mr. Holladay.)

AN ACT to prohibit the sale of intoxicating liquors as a beverage near any schoolhouse, public or private, where a school is kept, whether the school be in session or not.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not hereafter be lawful for any person to sell or tippie any intoxicating liquors, including wine, ale, and beer, as a beverage, within four miles of any schoolhouse, public or private, where a school is kept, whether the school be then in session or not, in this State, and that any one violating the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine for each offense of not less than fifty dollars nor more than five hundred dollars and imprisonment for a period of not less than thirty days nor more than six months.

SEC. 2. *Be it further enacted*, That the grand juries shall have and exercise inquisitorial power in respect to violations of this Act; and it shall be the duty of the Circuit and Criminal Judges of the State to give the same in charge to them.

SEC. 3. *Be it further enacted*, That all laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 4. *Be it further enacted*, That this Act take effect from and after July 1, 1909, the public welfare requiring it.

Passed January 13, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved

*Governor.*

Passed January 20, 1909, by the Senate, notwithstanding the objections or veto of the Governor.

WM. KINNEY,  
*Speaker of the Senate.*

EDW. W. THOMAS,  
*Chief Clerk of the Senate.*

Passed January 20, 1909, by the House, notwithstanding the objections or veto of the Governor.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

EDW. B. MARTIN,  
*Chief Clerk of the House.*

## CHAPTER 11.

### HOUSE BILL No. 97.

(By Knox County Delegation.)

AN ACT to create and establish the Chancery Division of Knox County, Tenn.; to define the jurisdiction thereof; to provide for the appointment and election of a Chancellor therefor; to define his duties, fix his compensation, and the time of holding said court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there be, and is hereby, created and established the Chancery Division of Knox County, Tenn., to be composed of Knox County; and that said court have, and is hereby given, all the powers and jurisdiction possessed by other Chancery Courts of this State.

SEC. 2. *Be it further enacted*, That as soon as practicable after the passage of this Act the Governor shall appoint a Chancellor for said division to hold said court, who shall possess the same qualifications as are now required by law for Chancellors of this State, who shall be vested with all the powers and authority and be subject to all the duties of other Chancellors under existing laws, and who shall receive the same compensation as other Chancellors and be paid in like manner by the State. Governor to appoint.

Said Chancellor shall hold his office until the first day of September, 1910, and until his successor is duly elected and qualified.

SEC. 3. *Be it further enacted*, That at the regular election of August, 1910, and every eight years thereafter, there shall be elected by the qualified voters of Knox County a Chancellor for said division, who shall hold his office for a term of eight years and until his successor is duly elected and qualified. When elected.

SEC. 4. *Be it further enacted*, That the regular terms of holding said court shall be the third Monday of March and November of each year.

SEC. 5. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed February 1, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 12.

### HOUSE BILL No. 10.

(By Mr. Mitchell.)

AN ACT to authorize, empower, and enable Warren County, Tenn., to settle and pay off its outstanding indebtedness incurred in the building of public bridges in and by said county between January 1, 1902, and January 1, 1908; to authorize and empower said county to issue and sell its bonds in a sum not exceeding \$30,000 to aid in the payment of such indebtedness; to provide for the payment of such bonds and interest thereon, and for that purpose to levy and collect a special tax on the taxable property and privileges in such county; to create a sinking fund, if necessary, for the payment of such bonds; and to provide for the making and keeping of official records of the issuance, sale, and redemption of said bonds and the interest thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* Warren County, Tenn., through its County Court, be, and is hereby, authorized and empowered to settle and pay off all of its outstanding indebtedness, both principal and interest, created between January 1, 1902, and January 1, 1908, on account of said county having built public bridges therein, which indebtedness is evidenced by interest-bearing bridge warrants issued by such county within said dates, and which outstanding warrants now amount to \$24,180.52 principal, and accrued interest thereon approximating \$6,-

650, which indebtedness may be paid out of the taxes now levied by said county for such purpose, or for county purposes aided by the proceeds arising from the sale of the bonds of such county hereinafter provided for.

SEC. 2. *Be it further enacted*, That to aid and enable Warren County, Tenn., to pay off, in part, its outstanding indebtedness set out in the first section of this Act, that such county, through its County Court, in any quarterly or special session assembled, be, and is hereby, authorized and empowered to issue and sell the interest-bearing bonds of such county in a sum not exceeding thirty thousand dollars, which bonds shall be payable in lawful money of the United States, and said bonds shall bear interest at a rate not exceeding six per centum per annum, payable semiannually or annually, as such County Court may direct. Said bonds shall be numbered consecutively in the order of their issuance, beginning with one, and shall show the series of each bond, if issued in separate series. Said bonds shall be issued in denominations not less than \$100 nor greater than \$1,000, made payable at such place and at such time or times, in a single issue, or serial issues, as said court may order and direct; but no bond shall be made payable at a greater period than ten years after its date of issuance. Such bonds may be made payable to bearer.

Bonds—denominations, etc.

SEC. 3. *Be it further enacted*, That said bonds shall be executed in the name of Warren County, State of Tennessee, and shall be signed by the Chairman of the County Court of Warren County, Tenn., and countersigned by the Clerk of said court, who shall affix the official seal of such court to said bonds, and an abstract of said bonds shall be registered by the Trustee of Warren County, Tenn., in his office, as hereinafter provided, and such Trustee shall indorse upon each bond as follows: "Abstract of this bond is recorded in my office;" and he shall date and officially sign such indorsement; but such Trustee, having no official seal, none will be attached to such indorsement; *provided*, that such indorsement appearing upon each bond shall be sufficient notice and a conclusive presumption to and in favor of the purchaser or holder of such bonds that the Trustee has properly registered such bonds, and his failure to

How executed.

properly register said bonds shall not affect their validity.

Interest coupons.

SEC. 4. *Be it further enacted*, That each of said bonds shall have attached to it interest coupons sufficient in number to cover the entire term of each bond, which coupons shall be executed in the name of Warren County, Tenn., and each coupon shall show upon its face its date of issuance, the number of the bond to which such coupon is attached, the series of such bonds, if issued in series, the amount of annual or semiannual interest for which such coupon is issued, when such interest falls due and where it is to be paid, and such coupons shall be authenticated by the lithographed signature of the County Chairman, without being countersigned by said Clerk, nor shall the official seal of said court be attached to such coupons.

County Court to issue bonds.

SEC. 5. *Be it further enacted*, That said County Court, in any quarterly or special session assembled, shall have full authority to provide, by its orders and resolutions, for the issuance of said bonds and coupons, within the limitations and restrictions of this Act, and to authorize and have made a sale of said bonds, which bonds shall not be sold for less than par; and it shall not be necessary under this Act to submit any proposition for the issuance and sale of said bonds, for ratification by the voters of Warren County, at any election, and said County Court shall have full authority to issue said bonds and sell same independently of such election.

Not to invalidate.

SEC. 6. *Be it further enacted*, That a substantial compliance with the provisions of this Act shall be sufficient, and no irregularity in the issuance and sale of said bonds and coupons shall invalidate the same.

Record kept.

SEC. 7. *Be it further enacted*, That the Chairman of the Warren County Court and the Trustee of said county shall each be required to make and keep in well-bound books, one for each office, a record of said bonds and coupons, each record showing an abstract of such bonds and coupons, which abstract shall substantially show the number, series (if in series), denomination, rate of interest, date, and maturity of each bond and coupon, and to whom such bond was originally sold; and upon the redemption of each bond and interest coupon the Chairman and Trustee shall each show upon their respective rec-

ords the date of such redemption, and upon the failure of the Chairman to make and keep such record required of him the County Court Clerk shall make such record and notation of payment, and such record shall be kept on file in the office of said Clerk as a part of the county records; *provided*, that the failure of any such officials to keep the records required in this section shall not prejudice nor affect the validity of such bonds in the hands of any purchaser or holder thereof.

SEC. 8. *Be it further enacted*, That it shall be the Tax levied. duty of the County Court of Warren County, and it shall have the authority to levy a tax upon all taxable property and privileges in said county for the year 1909 and for each succeeding year thereafter until said bonds and interest thereon are paid for the purpose of paying the annual or semiannual interest on said bonds, and for the purpose of meeting and paying said bonds at their maturity, and for the purpose of creating a sinking fund, if necessary, to pay said bonds when due; and the Trustee of said county shall collect and account for the taxes herein authorized in the same manner as he is required by law to collect and account for other taxes, and he shall receive the same compensation for collecting and disbursing such taxes as he receives for collecting other general county taxes; and the County Court may, if it deems proper, require said Trustee to give an additional bond for collecting, accounting for, and disbursing said taxes.

SEC. 9. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 29, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 13.

### HOUSE BILL No. 223.

(By Mr. Carden.)

AN ACT fixing the time for the expiration of all liquor licenses in the State of Tennessee and repealing all Acts in conflict with this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter all licenses issued for the sale of intoxicating liquors shall be issued so as to expire on or before July 1, 1909; and the amount paid for such license shall only cover the time from the time of the date of the issuance of such licenses up to the first day of July, 1909.

It is the intention of this Act that licenses may be issued for the sale of intoxicating liquors for a term less than one year, so that parties who are now engaged in the sale of intoxicating liquors or who may desire to engage therein may pay their license to July 1, 1909, and that the Clerks of the various County Courts and other officials whose duty it is to issue such licenses may not issue the same for a term extending beyond the date of July 1, 1909; *provided, however*, that this Act shall not be construed to authorize the issuance of license for the sale of, and the sale of liquor in the portions of the State where it cannot now be lawfully sold.

SEC. 2. *Be it further enacted*, That all Acts and parts of Acts in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 5, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 8, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 14.

### HOUSE BILL No. 222.

(By Mr. Carden.)

AN ACT for the refunding to the parties paying licenses for the sale of intoxicating liquors for that portion of the time after July 1, 1909, covered by said license, as provided in this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all money paid for licenses for a term after July 1, 1909, by dealers of liquors, wines, beers, etc., as liquor dealers in this State, shall be, and the same is hereby, ordered returned to such parties paying the same covering the time when they would have been allowed to operate their places of business had no law been passed prohibiting the sale of intoxicating liquors within the State of Tennessee, it being the intention of this Act to provide that all money paid to the State, county, or municipality, as the case may be, for licenses by liquor dealers for the time following July 1, 1909, shall be returned to such dealers and paid out of the State, county, or city treasury, as the case may be, where the same has been paid by such dealers.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 5, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 8, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 15.

### SENATE BILL No. 12.

(By Mr. Parham.)

A BILL to be entitled "An Act to repeal Chapter 72 of the Acts of 1905, the same being an Act authorizing Cocke County to issue \$100,000 bonds for the construction and improvement of public roads, and also to repeal Chapter 300 of the Acts of 1905, the same being an Act amendatory of the foregoing Act."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 72 and Chapter 300 of the Acts of 1905, the same being Acts authorizing Cocke County to issue \$100,000 bonds for the construction and improvement of certain public roads, be, and the same are hereby, repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 29, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 16.

### SENATE BILL No. 26.

(By Mr. Senter.)

AN ACT to be entitled An Act to regulate the working and laying out of public roads in counties having a population of not less than 33,400 nor more than 39,450 according to the Federal census of 1900 or any subsequent Federal census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Quarterly Court at its first regular or special session of 1909, after the passage of this Act, in all counties to which it applies in the caption hereof, to elect three Road Commissioners, who shall be freeholders in said county, and who shall hold their offices for two years from the first day of January, 1909, and until their successors are elected and qualified.

SEC. 2. *Be it further enacted*, That should any Commissioner so elected fail to qualify within two days after the election, it shall be the duty of the County Judge to appoint a Commissioner for such county, and said Commissioners so elected shall each enter into bond before the County Court Clerk in the penal sum of two thousand dollars, payable to the State of Tennessee, and conditioned for the faithful performance of their duty and for accounting for all money that may come into their hands by virtue of this office, and shall also take an oath for the faithful performance of their duty.

SEC. 3. *Be it further enacted*, That the Road Commissioners in the county shall have entire supervision of all bridges, levies, and culverts in the county of the length of 16 feet and under, which they shall have built and kept in repair, to be paid for with the road fund of the district in which said bridge is located. They shall also have supervision of all the public roads in the county, and shall lay them out and classify them as first, second, and third-class roads. Roads of the first class shall be 40 feet wide between the ditches; second class, 30 feet wide

between the ditches; and third class, 20 feet wide between the ditches; that the Road Commissioners shall keep a well-bound book, in which they shall keep a record of each road in the county and a classification of the same, together with the description of each bridge in the county. They shall also assign the hands to the respective contractors.

Applications to  
open and  
close roads.

SEC. 4. *Be it further enacted*, That all applications to open, close, or change a road shall be made to the Road Commissioners in the county, in writing, and shall give at least ten days' notice to all interested parties or their servants and agents of the time and place they will inspect said road, and they may employ a surveyor to locate the same if necessary. Said Commissioners shall have the power to condemn land for the purpose of laying out a new road or to widen old roads and to assess the value of the same. Any person aggrieved by the action of the Commissioners may appeal to the next term of the County Court, which shall be heard and determined by the Judge of said court as speedily as possible; and if the application is granted, all costs and damages shall be paid by the applicant or applicants, unless for good reasons they shall assess the same to the county, in which case the same shall be paid by order of the County Court out of the treasury not otherwise appropriated, in which event they shall report their action to the next term of the Quarterly Court for approval; and if the Quarterly Court disapproves of the same, parties aggrieved may appeal to the Circuit Court.

To let con-  
tracts.

SEC. 5. *Be it further enacted*, That the Commissioners, with the County Judge, shall let out by contract to the lowest responsible bidder all or any part of said county highways. After advertisement, sealed proposals to make and keep the county highways in repair for from one to three years may be submitted from each section of the highway. The County Judge shall open all bids submitted, in the presence of the Commissioners, and the contract shall be awarded to the lowest responsible bidder; *provided*, said Commissioners and County Judge may reject any and all bids, if in their judgment they are excessive or otherwise unsatisfactory. Such contractor or contractors shall execute bond, with

two or more good and sufficient sureties, in the penal sum of double the amount of his contract, payable to the State of Tennessee, conditioned for the faithful and full compliance of his contract.

SEC. 6. *Be it further enacted*, That all roads shall be graded, with 1½ inch to the foot fall, from the center of its side, and they shall be ditched on each side with good and sufficient ditches, so as to properly drain them, and that such ditches shall be kept open by the contractors throughout the entire year or term of the contract. Road grades

SEC. 7. *Be it further enacted*, That all male inhabitants over 21 and under 45 years of age, except those living within the bounds of an incorporated town and such as are permanently disabled from performing ordinary labor and are released by the Commissioners upon the presentation of the relief from said County Court from paying poll tax, shall work on the highway each year not less than six days, but not more than two days in any one week, on one days' personal or written notice by the contractors, of the time and place to commence work; and any hands so notified may be exempt from work on the road by paying to the Commissioners of the county fifty cents each day he is notified to work. Who liable for road duty.

SEC. 8. *Be it further enacted*. That the County Court of said county shall at the April term of the Quarterly County Court after the passage of this Act levy a tax for highway purposes, to be not less than twenty cents, including the amount levied by the County Court at the January term, 1909, on each \$100 worth of taxable property, as shown by the assessment made by the County or District Assessors, and on privileges not less than five cents on the \$100; and all taxes assessed under this Act and collected [as] hereinafter provided shall be used for maintaining the highways and bridges in the district in which such assessment is made, and all such taxes shall be paid in money. Special tax.

SEC. 9. *Be it further enacted*, That all assessments for highway purposes shall be collected as other county revenues by the Trustee, who shall be allowed a commission of 2 per cent for collecting and paying out the same. How collected.

SEC. 10. *Be it further enacted*, That the Trustee shall make settlement with the County Judge quar- Quarterly settlements.

terly for all road taxes collected and paid out by him, and shall account for the same in the same manner that he is now required for county taxes.

To bring suit—  
when.

SEC. 11. *Be it further enacted*, That the Commissioners of the county shall bring suit before any Justice of the Peace in the name of the county against all persons subject to highway labor in the county who shall fail or refuse to work or commute as heretofore provided for such work when properly notified by the contractor, and, upon conviction, shall be fined or assessed not less than one dollar for each day he is notified to work, together with the cost of the suit, which fine or assessment shall be paid to Commissioner, to be paid by him to the Trustee, with all money collected by them for road purposes; and the Trustee shall place all money by him collected from Road Commissioners to the credit of the road district from which it is collected.

Public road  
record.

SEC. 12. *Be it further enacted*, That the Road Commissioners of the county shall furnish to the County Court Clerk a full description of each road in the county, with the classification of same, to be by the Clerk recorded in a well-bound book, to be known as the "Public Road Record," and kept in his office as other public records, for which the Clerk shall receive a fee of twenty-five cents for each road record, to be paid by the county. Certified copies of any road record entry from said book shall be competent evidence in the trial of all offenses touching the public roads in said county.

Time to work  
roads.

SEC. 13. *Be it further enacted*, That all public roads in such county shall be worked by the contractors between the first of February and the first of August of each year, and no work shall be done before or after said dates, except in cases of repair, and repair work shall be done promptly at all times during the life of said contract.

To inspect  
roads and  
pay contractors.

SEC. 14. *Be it further enacted*, That the Road Commissioners of the county shall, at the end of each month, inspect the work done by the contractors during said month, and said Commissioners shall report quarterly to the County Court the work done and condition of roads in his road district, and said Commissioners shall issue to such contractor quarterly, during the life of such contract, his warrant drawn upon the County Trustee for an amount not exceed-

ing the actual cost of such work, and no work shall be paid for until inspected and approved by the Commissioners, and said warrants shall be paid by the Trustee of the county out of the road funds of such district after being approved and countersigned by the County Judge.

SEC. 15. *Be it further enacted*, That in laying out the road to be worked by the contractor, the Commissioners shall include all levees to [be] worked as ordinary roads by said contractor, except in cases of washouts, which shall be repaired as heretofore and paid by the county.

Include levees.

SEC. 16. *Be it further enacted*, That nothing in this Act shall be construed so as to alter or abridge the power the Quarterly Court now has over the bridges and levees of such county.

Bridges, levees, etc.

SEC. 17. *Be it further enacted*, That a day's work in the meaning of this Act shall be eight hours of actual service, and no more than ten hours shall be counted in any twenty-four.

SEC. 18. *Be it further enacted*, That each Commissioner shall be paid five hundred dollars (\$500) per year, which shall be paid by a warrant of the County Judge, drawn upon the Trustee of the county, and paid out of the road funds of such county.

Commissioners' salary.

SEC. 19. *Be it further enacted*, That the building and repairing of all bridges of 16 feet in length and under shall be let out by the Commissioners, respectively, to the lowest and best bidder and paid for by warrant drawn by such Commissioner and countersigned by the County Judge on the County Trustee, and paid out of the road funds in the road district where such repairing or bridge may be made or built.

Building and repairing bridges.

SEC. 20. *Be it further enacted*, That the County Judge shall furnish to each Commissioner all necessary books and blanks, which shall be a road record book, notice to the hands by the contractor, and Commissioners' warrants, etc., to be procured by the County Court Clerk and to be paid for as other stationery of the county.

County to furnish books.

SEC. 21. *Be it further enacted*, That the County Judge of such county shall prepare or have prepared by some competent person uniform contracts, to be entered into by each road contractor in the county, and furnish same to each Commissioner for use in letting out the contracts for their road. which con-

To prepare contracts.

tracts shall specify how and when the road shall be worked.

Contractors  
liable.

SEC. 22. *Be it further enacted*, That any contractor failing to comply with the contract shall be subject to indictment or presentment by the grand jury of the county, who shall have inquisitorial power over all such cases, and, on conviction, shall be fined not less than twenty-five dollars nor more than fifty dollars for each offense, which fine shall go to the road funds of the district in which the offense was committed.

Penalty for ob-  
structing  
roads.

SEC. 23. *Be it further enacted*, That any person who shall put or cause to be put any obstruction in any of the public roads in the county as laid out and designated by the Road Commissioners, or who shall obstruct any ditch or ditches draining said roads or shall divert water from its natural channel or flow into any of such roads, shall be subject to indictment or presentment by the grand jury of such county and fined not less than five nor more than ten dollars for each offense, which fine shall go to the road funds of the district in which the offense was committed, and no property shall be exempt from such fine and cost, and no property shall be exempt from any fine and cost on any delinquent road hand for failing to work the road.

Commissioners  
liable.

SEC. 24. *Be it further enacted*, That any Road Commissioner who fails or refuses to perform any of his duties or shows any partiality in the performance of the same shall be subject to indictment or presentment and fined not less than ten dollars nor more than twenty-five dollars for each offense, which shall go to the county road funds in the district where the offense was committed.

Constructing  
culverts.

SEC. 25. *Be it further enacted*, That in constructing culverts across any of the public roads of such county where it is practicable, tiling or brick shall be used instead of wooden culverts; and the County Judge may purchase such tiling or brick and pay for the same out of the county funds, and furnish the Road Commissioners for use, and charge said district with the amount they may use at actual cost and carriage, and shall reimburse the county out of the road funds of such district in which it is used.

County Judge  
to act—when.

SEC. 26. *Be it further enacted*, That in cases of emergency the County Judge shall have power to have bridges and levies repaired at once and report



his action to the next term of the Quarterly Court, which shall make an appropriation to pay for the same. In such emergency cases said Commissioners shall coöperate with said County Judge in having said work speedily done.

SEC. 27. *Be it further enacted*, That the grand jury A public road—  
when. of the county shall have inquisitorial power of all offenses committed under this Act, and that in the trial of all offenses against any of the provisions in this Act the fact that any public road is worked under the provisions of this Act shall be prima facie evidence that such road is a public road.

SEC. 28. *Be it further enacted*, That if any Road Commissioners  
re-elected—  
when. Commissioner elected or appointed under this Act fails or refuses to discharge the duties of his office, the Quarterly Court, in regular or special session, shall remove such Commissioner from his position and fill the vacancy by electing some other person in his room and stead.

SEC. 29. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed January 29, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 17.

### SENATE BILL No. 40.

(By Messrs. Blackburn and Cox.)

AN ACT to be entitled An Act to amend the Acts entitled "An Act for the benefit of indigent and disabled soldiers of the late War between the States, and to fix the fees of attorneys or agents for procuring such pensions, and fixing a penalty for the violation of the same," being Chapter 64, Acts of 1901; Chapter 244, Acts of 1903; Chapter 80, Acts of 1905; and Chapter 8, Acts of 1907.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That \$700,000 (\$350,000 annually), or so much thereof as may be necessary, be, and the same is hereby, appropriated for the payment of pensions and expenses, as provided in Chapter 64 of the Acts of 1901, Chapter 244 of the Acts of 1903, and Chapter 80 of the Acts of 1905.

SEC. 2. *Be it further enacted*, That the Board of Pension Examiners shall not hold more than four meetings in any one year, and shall be allowed \$5 per day for their services, and shall not be allowed compensation and expenses for more than 20 days at any one meeting of the Board.

Special examiner.

SEC. 3. *Be it further enacted*, That the Special Pension Examiner may be employed as many days in each year as may be required to perform the duties pertaining to his office under direction of the Board, and shall receive as compensation for his services \$5 per day, with actual expenses for the number of days actually engaged in the performance of such duties.

SEC. 4. *Be it further enacted*, That the fifth-class pension as provided in Section 2, Chapter 244, Acts of 1903, be merged into the fourth-class pension (both classes receiving \$5 per month), with all the rights and privileges of fourth-class pensions.

SEC. 5. *Be it further enacted*, That only soldiers who are actual residents of the State of Tennessee shall receive pensions, and they must be bona-fide residents of the State three years before making their application for pension.

SEC. 6. *Be it further enacted*, That the Secretary

of the Board of Pension Examiners shall be paid \$125 per month for his services (the same as is now paid).

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 29, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 18.

### SENATE BILL No. 41.

(By Messrs. Blackburn and Cox.)

AN ACT to amend an Act entitled "An Act to provide relief for the dependent and indigent widows of soldiers who served in the Civil War between the States by granting them a pension and providing for an appropriation for the payment of the same," being Chapter 202, Acts of 1905, and Chapter 103, Acts of 1907.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That \$250,000 (\$125,000 annually), or so much thereof as may be necessary, be, and the same is hereby, appropriated for the payment of pensions to widows, as provided in Chapter 202, Acts of 1905.

SEC. 2. *Be it further enacted*, That the word "Tennessee" shall be stricken out of Section 1, Chapter 202, Acts of 1905.

SEC. 3. *Be it further enacted*, That the figures "1870" shall be stricken out of Section 3, Chapter 202, Acts of 1905, and the figures "1876" inserted in lieu thereof.

SEC. 4. *Be it further enacted*, That the expenses of the administration of the pension laws shall be prorated between the soldiers and widows in proportion to the respective appropriations.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 29, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 19.

### SENATE BILL No. 44.

(By Dr. McRee and Mr. Blackburn.)

AN ACT to amend an Act entitled "An Act for the benefit of disabled and indigent ex-Confederate soldiers of Tennessee," being Chapter 180, Acts of 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That \$2,123.67 be, and the same is hereby, appropriated to pay the debts outstanding against the Soldiers' Home, and \$1,500 be, and the same is hereby, appropriated to make necessary repairs at the Soldiers' Home.

SEC. 2. *Be it further enacted*, That \$150 per annum be, and the same is hereby, appropriated for the support and maintenance of each inmate in the Soldiers' Home.

SEC. 3. *Be it further enacted*, That \$300 (\$150 annually) be, and the same is hereby, appropriated for religious services at the Soldiers' Home.

SEC. 4. *Be it further enacted*, That \$20 be, and the same is hereby, appropriated to bury each inmate who dies in the Soldiers' Home.

SEC. 5. *Be it further enacted*, That \$600 (\$300 annually) be, and the same is hereby, appropriated as compensation of the Executive Committee of the Soldiers' Home.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 29, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 20.

### SENATE BILL No. 45.

(By Messrs. Matthews and Howse.)

A BILL to be entitled "An Act to secure the establishment in Nashville, in the State of Tennessee, of a college for the higher education of teachers for the Southern States by the appropriation therefor of money out of the treasury of the State."

WHEREAS the Trustees of the Peabody Education Fund, pursuant to the powers in them vested, have resolved to apply one million dollars of the capital of said fund to the establishment in Nashville of a college for the higher education of teachers for the Southern States and as the successor of the Peabody Normal College, which was established at Nashville by the Board of Trustees; and

WHEREAS the Constitution of the State provides that it shall be the duty of the General Assembly to cherish literature and science, and pursuant thereto the State has established and now maintains a system of common schools, and has partially supported, by appropriations, the Normal College as a training school for teachers; and

WHEREAS great advantages will accrue to the State of Tennessee and its common schools by the establishment of said college within its limits and at its capital; and

WHEREAS the said Trustees of the Peabody Education Fund, at a meeting held in the city of Washington, D. C., on the twenty-fourth day of January, 1905, adopted the following resolutions—viz.:

"Be it therefore resolved (two-thirds of the members of the Board concurring), That if within one year from this date there shall be delivered to this Board, or shall be placed at its disposition:

Bonds.

First—Bonds of the county of Davidson for \$50,000.

Secondly—Bonds of the city of Nashville for \$200,000.

Thirdly—The sum of \$250,000 appropriated by the State of Tennessee.

Fourthly—Sixteen acres of land and the buildings and appurtenances now occupied and used by the Peabody Normal College, and conveyed by the Trustees of the University of Nashville; and,

Fifthly—The further sum of \$50,000 in money or its equivalent.

This Board will immediately take proper action to establish in Nashville, Tenn., a college for the higher education of teachers for the Southern States, to be the successor of the present Peabody Normal College in said city, and to be known as the 'George Peabody College for Teachers,' and to be duly incorporated in said name under competent authority, and to be under the government of a Board of Trustees to be named and appointed by this Board, and to have the power to fill all vacancies which may occur on said Board.

George Peabody College for Teachers.

And, further, That this Board hereby pledges itself to appropriate \$1,000,000 out of the funds in its hands as a permanent endowment of said college, said \$1,000,000 to be held as a permanent fund, only the income thereof to be applied to the maintenance of the institution.

Endowment fund.

And, further, that as soon as the 'George Peabody College for Teachers' shall be duly incorporated, this Board will immediately assign, set over, and deliver unto the said corporation, or its aforesaid Trustees, the said sum of \$1,000,000 of its funds, and also all other moneys, bonds, and property above referred to, which shall have been received or placed at the disposition of this Board for said purpose, to be received and used by the said Trustees for the establishment, maintenance, and development of the said 'George Peabody College for Teachers' as an institution for the higher education of teachers for the Southern States; and

To incorporate.

WHEREAS the said Board of Trustees of the Peabody Education Fund at its meeting in the city of New York, held the fourth of October, 1905, adopted the following preamble and resolution—to wit:

WHEREAS the conditions imposed by this Board for the endowment of the 'George Peabody College for Teachers' at Nashville have not yet been complied with,

*Resolved*, That the time fixed for the compliance

with the conditions be extended until July 24, 1907; and

WHEREAS the said Board of Trustees of the Peabody Education Fund, at its meeting in the city of New York, on the eleventh day of December, 1907, still further extended the time for compliance with the conditions of its said resolutions of January 24, 1905, until July 1, 1909; and

WHEREAS on account of unavoidable delays the appropriations made by the Act passed April 4, 1905, which is Chapter 211 of the Acts of 1905 of Tennessee, and was repealed by the Act passed January 23, 1907, which is Chapter 19 of the Acts of 1907, were not used, and this is in lieu thereof; and

WHEREAS the county of Davidson has provided for the \$50,000, stipulated for by the Trustees of the Peabody Education Fund, in addition to the \$50,000 previously voted by said county."

Proposition accepted.

SECTION 1. *Now, therefore, be it enacted by the General Assembly of the State of Tennessee, That the State of Tennessee hereby assents to and accepts the propositions embodied in the resolutions of the Trustees of the Peabody Education Fund of January 24, 1905.*

Appropriation made by the State.

SEC. 2. *Be it further enacted, That the State of Tennessee hereby appropriates the sum of two hundred and fifty thousand dollars to the establishment, support, maintenance, and use of said college for the higher education of teachers for the Southern States, for which sum the Comptroller of the Treasury of the State shall draw a warrant on the State treasury in favor of said Trustees of the Peabody Education Fund, or their duly authorized representative, and the Treasurer of the State will pay said amount on said warrant to said Board or its representative; provided, however, always that the various sums and amounts required by said resolutions to be raised by the city of Nashville and by Davidson County are raised and paid over as contemplated, and that the Trustees of the University of Nashville convey to the Trustees of the Peabody Education Fund the sixteen acres of land and the buildings and appurtenances now occupied and used by the Peabody Normal College; and, provided, further, that the said sum of one million dollars and the further amount by this Act appropriated are applied and transferred*



to the use and benefit of the college located at Nashville by said resolutions contemplated; and, *provided, further*, also that the Governor of the State of Tennessee shall be, ex officio, a member of the Board of Trustees of the George Peabody College for Teachers.

Governor ex  
officio mem-  
ber of the  
Board.

SEC. 3. *Be it further enacted*, That inasmuch as this Act is in lieu of the Act passed January 23, 1907, being Chapter 19 of the Acts of that year, said Act of 1907 is hereby repealed.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 29, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 21.

### SENATE BILL No. 47.

(By Mr. Neal.)

AN ACT to empower and authorize the town of Sparta, in the county of White and State of Tennessee, to issue \$15,000 serial coupon bonds for the purpose of buying suitable grounds, improving the same, building and equipping high-school buildings for said town, and assessing and collecting taxes for the purpose of paying off said bonds and the interest thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the town of Sparta, in the county of White and State of Tennessee, be empowered and authorized to issue and sell in amount not exceeding \$15,000, under the provisions and limitations hereinafter set out, for the purpose of buying suitable grounds,

improving the same, erecting and equipping suitable high-school buildings for the said town of Sparta.

Bonds—de-  
nominations,  
etc.

SEC. 2. *Be it further enacted*, That said bonds shall be issued in denominations of not less than \$500 nor more than \$1,000, with coupons attached for the annual interest. The said bonds shall bear interest at not to exceed six per centum, payable annually on the first day of July of each and every year, principal and interest payable in lawful money of the United States. The said bonds shall be serial coupon bonds, and shall be issued so that \$1,000 will mature each year, beginning with the sixth year from their issue; *provided*, that none of said bonds shall be issued to mature at a later date than twenty years from the date of their issue.

Record kept.

SEC. 3. *Be it further enacted*, That the Mayor and Aldermen shall provide a well-bound book, which shall be at all times open to the inspection of the public and in which shall be kept a record of the said bonds. In regular columns, properly headed, shall be kept the number of the bond; its serial number, and date of payments. Each of said bonds shall be signed by the Mayor and attested by the Recorder, and each interest coupon shall be signed by the Recorder.

Election to be  
held—how,  
when.

SEC. 4. *Be it further enacted*, That before the said bonds shall be issued, an election shall be held in the said town of Sparta, at the usual voting place, within the hours in which corporation elections in said town are now directed by law to be held. All persons qualified to vote in an election for Mayor and Aldermen of the said town shall be qualified voters in the election herein provided for. The Board of Mayor and Aldermen of the said town shall call an election and provide for the holding of the same. Tickets shall be provided for those entitled to vote in said election, written or printed to express the wishes of the voters. Those desiring to vote for the issuance of the said bonds shall vote the ticket having printed or written on it the words "For the Bonds," and those desiring to vote against such bond issue shall vote the ticket having printed or written on it the words "Against the Bonds;" and if at such election a majority of the votes cast shall be "For the Bonds," upon the same being properly certified by the official holding the said election to the Mayor

of the town of Sparta, he shall cause said certificate to be recorded on the minutes of the said Board of Mayor and Aldermen, and thereupon the said bonds shall be issued as above provided; but without such election majority and record, no bonds shall be issued.

As many elections may be held as the Mayor and Aldermen deem necessary, and at different times to determine the will of the voters of the said town with reference to the issuance of the said bonds under the provisions of this Act.

SEC. 5. *Be it further enacted*, That none of the proceeds of the sale of the said bonds shall be used for any other purpose than the buying and improving suitable grounds and erecting and equipping suitable high-school buildings.

Proceeds to be used.

SEC. 6. *Be it further enacted*, That the proceeds of the sale of the said bonds shall be paid to the Recorder of the said town, and by him deposited in a national bank, and be denominated the "High-School Fund," and be shown on the books of the said bank as the "High-School Fund." The said fund shall be paid out only upon the itemized voucher, signed by at least two of the Building Committee herein-after provided for, upon a check drawn by the Recorder and countersigned by the Mayor.

Funds received and disbursed.

SEC. 7. *Be it further enacted*, That the Mayor and Aldermen may by ordinance provide a method by which said bonds, when issued, are to be sold and the proceeds of said sale to be paid into the Recorder, and shall require such bond to be given by the Recorder for the safe-keeping and proper disbursements of this fund as they see proper, and the said Recorder shall receive no additional compensation. The said Recorder shall make bond as above provided in a solvent bonding company, and the fees for the said bond shall be paid by the Mayor and Aldermen of the town of Sparta, and the same shall be charged to whatever fund it deems proper.

Bonds to be sold.

SEC. 8. *Be it further enacted*, That whenever, by the sale of the said bonds, said Mayor and Aldermen are enabled to begin and prosecute said buying of the suitable lands and erecting the said buildings, the Mayor shall nominate, and the said Aldermen shall elect, three discreet and capable voters and freeholders of the said town of Sparta as a Purchasing and

Purchasing and Building Committee.

Building Committee, and the said committee will be authorized and empowered, subject to the ratification of the Mayor and Aldermen, to buy suitable grounds upon which to locate said high school, and will be authorized to draw upon the said Recorder of the town of Sparta by its order for sufficient money to pay for the said grounds as soon as the said purchase shall have been ratified by the Mayor and Aldermen in regular session and the title to the said land passed on by the City Attorney; and the said committee will also be authorized to draw by its order, accompanied by an itemized voucher, both signed by any two of them, upon the said Recorder of the said town of Sparta for money to pay expenses of said building and equipments as may be incurred by them and by any contract they make, and the said Building Committee may employ an architect, if they see proper, and such other assistance as may be necessary to determine upon the extent and character of the said building; or they may let out the said building by contract to the lowest bidder, requiring in such event necessary bond from said contractor as will insure the faithful performance of the said contract, but they will in no event contract or agree to do any work or enter upon any system which will require a greater expenditure than the proceeds of the said bonds. Said Building Committee is to serve without pay.

Account of expenditures kept.

SEC. 9. *Be it further enacted*, That the said Building Committee and the Recorder of the said town of Sparta shall keep strict accounts of all expenditure of the said funds, and shall settle and balance their accounts once each month and present the same to the Mayor and Aldermen once each month, who shall, if they find the same correct, spread said settlement on their minutes.

Special tax.

SEC. 10. *Be it further enacted*, That upon the issuance of the said bonds, the said Mayor and Aldermen of the said town of Sparta shall by ordinance assess property—real, mixed, and personal—and privileges for taxes, and levy and collect by proper officers taxes upon all real, mixed, and personal property and privileges taxed by the laws of the State an additional tax not less than thirty-five nor more than fifty cents on each one hundred dollars of taxable property in said corporation, the proceeds of

which shall be applied to the payment of the interest on the said bonds as it may accrue, and to the principal as rapidly as may be in accordance with the terms of their issuance, and to create a sinking fund; *provided*, that for the first five years after the issuance of the said bonds the said Mayor and Aldermen of the said town of Sparta shall set aside all excess over the accrued interest as a sinking fund, and the said fund shall be used and distributed by the said Mayor and Aldermen so as to equalize the assessment over the first eight years after the maturity of the first bond. The said sinking fund shall be kept separate from the other moneys of the said town, and shall be lent out by the Mayor and Aldermen to a national bank paying the highest rate of interest for the same. The said funds shall be paid out on the order of the Mayor and Aldermen upon the check of the Recorder, countersigned by the Mayor, and the said sinking fund shall be distributed by the said Mayor and Aldermen, beginning with the maturity of the first bond as above set out. All taxes collected for the payment of interest and for the retirement of the said bonds and the sinking fund shall be deposited in a national bank separate from the other funds of the said town, and paid out on the order of the said Mayor and Aldermen by the check of the Recorder, countersigned by the Mayor.

Sinking fund  
to draw interest.

SEC. 11. *Be it further enacted*, That the Mayor and Aldermen shall elect five discreet freeholders of the said corporation as soon as the said bond issue shall have been voted, who shall be termed the "Trustees of the High School," and who shall be elected by the said Mayor and Aldermen—one for five years, one for four years, one for three years, one for two years, one for one year; and at the expiration of the term of each his successor shall be elected by the remaining Trustees for a period of five years and until his successor is elected. The said Trustees shall have the power to fill by election any vacancies in their number at any time. The Trustees of the High School shall act with the Building Committee and each member have a vote in the said purchase in purchasing the said suitable grounds upon which to build the said high school. The said Trustees shall have general supervision over the said grounds and build-

Trustees of  
the High  
School.

ings, and shall from time to time recommend necessary repairs and improvements to the said grounds and building to the said Mayor and Aldermen. The said Trustees are hereby authorized and empowered to rent, lease, or let, free of charge, if they deem necessary, the said grounds and building to the county or to any other person or corporation for the purpose of a high school, but for no other purpose.

SEC. 12. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 29, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 22.

### SENATE BILL No. 68.

(By Mr. Blackburn.)

AN ACT to authorize and empower the Worshipful Master and Wardens of Macon Lodge, No. 120, Free and Accepted Masons, to sell and convey the Macon Masonic Lodge, Masonic College, grounds, and buildings, in the town of Macon, Tenn.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Worshipful Master, Senior and Junior Wardens of Macon Lodge No. 120, Free and Accepted Masons, in Fayette County, Tenn., be, and are hereby, authorized and empowered to sell at public auction in the town of Macon, Tenn., to the highest and best bidder for cash or credit, as seems best to them, after giving thirty days' notice by posters or otherwise, the grounds and the building thereon belonging to said lodge and college in the town of Macon, Tenn., and to convey the same to purchaser at such sale by deed in fee simple absolute.

SEC. 2. *Be it further enacted*, That the amount of money realized at the sale mentioned in Section 1 of this Act be applied first to the payment to said Macon Lodge 120 the amounts expended by said lodge on the college, lodge building, and grounds mentioned in Section 1 of this Act, the balance to be equally divided between the said Macon Lodge 120 and the white public school of Macon, Tenn.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 29, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 23.

### SENATE BILL No. 80.

(By Messrs. Howse and Matthews.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upward, according to the Federal census of 1880, whose charters have been abolished,' the same being Chapter 114 of the Acts of the General Assembly of 1883 and the various subsequent Acts amendatory thereof, all constituting the charter of the city of Nashville," by increasing the compensation of the Judge of the City Court of cities controlled by Chapter 114 of the Acts of 1883 from fifteen hundred dollars (\$1,500) per annum to two thousand dollars (\$2,000) per annum, payable monthly.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 114 of the Acts of the General Assembly of 1883 and the various subsequent Acts amendatory thereof, all constituting the charter of the city of Nashville, be, and the same are hereby, amended by increasing the compensation of the Judge of the City Court of cities organized and controlled under said Chapter 114 of the Acts of 1883 from fifteen hundred dollars (\$1,500) per annum to two thousand dollars (\$2,000) per annum, payable monthly.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 29, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 24.

### SENATE BILL No. 86.

(By Mr. Banks.)

AN ACT to exempt leasehold estates and improvements thereon from taxation in the hands of the lessee, holding under incorporated institutions of learning in this State, when the rents therefor are used purely for educational purposes by said institutions, where the fee in the same is exempt for taxation to said institution by charter granted by the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That leasehold estates and improvements thereon shall be exempt from taxation in the hands of the lessee, holding under incorporated institutions of learning in this State, when the rents therefor are used by said institutions purely for educational purposes, where the fee in the same is exempt from taxation to said institutions of learning by charter granted by the State of Tennessee.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 1, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 25.

### SENATE BILL No. 109.

(By Mr. Ward.)

AN ACT to amend an Act entitled "An Act to incorporate the town of Trimble, in the county of Dyer, and to define its rights and powers; provide for the election of officers, prescribe their duties and powers," passed April 8, 1905, and approved by the Governor April 13, 1905, so as to extend the corporation limits, provide for a Tax Assessor, prescribe his duties, and change the time for collecting taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act of 1905, Chapter 401, being entitled "An Act to incorporate the town of Trimble, in the county of Dyer, and to define its rights and powers; provide for the election of officers, prescribe their duties and powers," be and [are hereby] amended so as to extend the limits of the said corporation in the following manner:

Corporate limits extended.

Beginning on the county line between Dyer and Obion Counties 14 poles from the present northeast corner of said corporation; thence east sixty poles to the west line of the public road; thence south with the west line of public road 100 poles to a stake in the lands of Dora Parks; thence west 123 poles to the present corporation line.

Tax Assessor.

SEC. 2. *Be it further enacted*, That Section 5 and Section 12 of Chapter 401 of the Acts of 1905 be amended by inserting after the words "Recorder, Treasurer, City Marshal," the words "Tax Assessor."

Assessments made.

SEC. 3. *Be it further enacted*, That Section 17 of Chapter 401 of the Acts of 1905 be repealed, and the following be inserted therefor: That the Assessor shall annually, beginning on the tenth day of January of each year, take a list of all the taxable property, realty and poll, within the city limits, the said list to be completed within sixty days and returned to the Board of Mayor and Aldermen. The Assessor, in making assessments, shall be governed by the State laws on that subject in force at the time the assessment is made, and is hereby empowered

to administer oaths in making assessments. This report of the assessed property shall be open to the public for inspection in the Recorder's office until the regular meeting night in May of each year, at which time the Board of Mayor and Aldermen shall hear all complaints as to their assessments, and correct errors; increase, decrease, and equalize the same, and the list of taxes so equalized and arranged shall be the assessed valuation for that year in which the assessment was made, and upon such valuation the Board of Mayor and Aldermen shall at once make the levy for the current year.

After the Board of Mayor and Aldermen has made the levy, the Recorder shall make out the tax books for the year, including both real and poll or mixed taxes, and have the same ready by the first day of September to be placed in the hands of the City Tax Collector.

Recorder to  
make tax  
books.

SEC. 4. *Be it further enacted*, That Section 20 of said Acts of 1905 be, and are hereby, amended by striking out the word "November" in the fourth line thereof and inserting therefor the word "September," and striking out the word "June" in the ninth line thereof and inserting the word "December," thereby making the taxes due on the first Monday in September; and if not paid, will become delinquent after the first Monday in December of each and every year.

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed January 29, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 26.

### HOUSE BILL No. 195.

(By Dr. Helm.)

AN ACT to authorize the municipal corporation of the Mayor and Aldermen of the town of Morristown, in Hamblen County, Tenn., to issue and sell coupon bonds of said town in a sum not to exceed twenty-five thousand dollars (\$25,000), the proceeds thereof to be used in the extension, improvement, and equipment of the waterworks plant of said town.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the town of Morristown, in Hamblen County, Tenn., be, and it is hereby, authorized and empowered to issue and sell coupon bonds of said town in a sum not to exceed twenty-five thousand dollars (\$25,000), or in such sum less than said amount as the Board of Mayor and Aldermen of said town may by ordinance determine, the proceeds of the sale of such bonds to be applied to the improvement, extension, and equipment of the waterworks plant of said town, including the acquisition of such real estate, water privileges, and rights of way as may be deemed necessary for the proper extension and improvement of said waterworks plant.

Bonds—denominations of.

SEC. 2. *Be it further enacted*, That the bonds issued for the above purpose and under the authority of this Act shall be of such denomination and shall bear such rate of interest, not to exceed, however, six per cent per annum, as the said Board of Mayor and Aldermen may determine by ordinance.

Said interest shall be payable semiannually on the first days of July and January of each year. All of the said bonds issued for the above purpose and under the authority of this Act shall be payable in twenty years from date of their issuance in lawful money of the United States, and said bonds and the interest thereon shall be payable at such place as the said Board of Mayor and Aldermen may determine. Said bonds shall show upon their face that they are "Waterworks Improvements Bonds," and that they

are issued under and in pursuance to the authority of this Act.

SEC. 3. *Be it further enacted*, That the bonds provided for by this Act shall be signed by the Mayor and Recorder of said town, shall have the corporate seal thereon, and in no case shall be sold for less than par; and the coupons attached shall, as they mature and fall due, be receivable for all taxes and dues to the said municipality, except the sinking-fund tax hereinafter provided for. Signed by.

SEC. 4. *Be it further enacted*, That before the issuance of any bonds hereunder, the corporation shall provide by ordinance for a sinking fund wherewith to rebut the bonds by levying a special tax on property, the same to be designated the "Waterworks Sinking-Fund Tax," the tax to run with the bonds and to be collected annually as other taxes are collected, and used exclusively for the purpose levied, and to be sufficient, with its accumulations, as near as can be estimated, to meet or retire the bonds issued hereunder at maturity. Sinking fund.

SEC. 5. *Be it further enacted*, That said corporation, before issuing any of the bonds authorized by this Act, shall, through its Board of Mayor and Aldermen, elect three citizens of the corporation, who shall be known as the "Waterworks Sinking-Fund Commissioners." They shall be elected for three years, and shall hold office until their successors are elected and qualified. Commissioners.

They shall be so elected that the term of office of one of said Commissioners shall expire each year, which shall be done by electing at the first election one Commissioner whose term of office shall be one year, one whose term of office shall be two years, and one whose term of office shall be three years, and thereafter the Commissioners elected shall be elected for the term of three years as provided herein.

SEC. 6. *Be it further enacted*, That said Commissioners shall take and subscribe an oath in writing, before any person authorized to administer oaths, faithfully to discharge their duties, and shall give bond and otherwise qualify themselves as said Board of Mayor and Aldermen may prescribe, and receive such compensation as the said Board shall deem just and proper. Oath and bond.

Said Sinking-Fund Commissioners are authorized,

upon giving bond and qualifying as provided herein, to receive from the collector of taxes or the treasurer of the corporation said waterworks sinking-fund taxes, and shall invest the same from time to time in such manner as will best serve the interests of the corporation, and they will make settlement in such manner and with such persons as the corporation by ordinance may direct. The said sinking fund in the hands of said Sinking-Fund Commissioners may at any time be used for the purpose of taking up and canceling any bonds issued under authority of this Act which are not due; *provided*, the holders of such bonds are willing to surrender same at par value.

Treasurer to  
sell bonds,  
etc.

SEC. 7. *Be it further enacted*, That upon the issuance of the bonds under this Act the Treasurer of said town shall receipt for and receive them, and proceed to sell them under the direction of the Board of Mayor and Aldermen, and hold the funds derived therefrom as a separate fund to be used only for the purpose of improving, extending, and equipping the waterworks plant of said town, including the paying for such real estate, water privileges, and rights of way as may be deemed necessary for such purpose; *provided*, said Treasurer shall enter into special bond, to be approved by the Mayor of said town, in double the par value of such bonds, conditioned upon his faithfully and properly handling and paying out such funds.

SEC. 8. *Be it further enacted*, That said funds arising from the issuance and sale of said bonds shall only be used for the purposes hereinbefore designated, and shall only be paid out of the treasury of the town in such manner as may be prescribed by said Board of Mayor and Aldermen.

SEC. 9. *Be it further enacted*, That this Act tak

effect from and after its passage, the public welfare requiring it.

Passed February 9, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 11, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 27.

### HOUSE BILL No. 26.

(By Mr. Dixon.)

AN ACT for the relief of and to reimburse the German Fire Insurance Company, of Memphis, Tenn., for excess taxes paid.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of two hundred and twelve and one-half dollars (\$212.50) be, and the same is hereby, appropriated to be paid to the German Fire Insurance Company, of Memphis, Tenn., for the purpose of reimbursing said company for excess privilege taxes paid into the State treasury for the year 1907.

SEC. 2. *Be it further enacted*, That the Comptroller be directed to draw his warrant upon the State Treasurer for the said sum of two hundred and twelve and one-half dollars (\$212.50) in favor of and payable to said German Fire Insurance Company.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 4, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 12, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 28.

### HOUSE BILL No. 35.

(By Mr. Wilkinson.)

AN ACT to be entitled "An Act to extend the corporate limits of the city of Nashville, Tenn."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the city of Nashville, Tenn., be extended as follows:

Beginning at the present corporation line in the center of the Louisville and Nashville Railroad and the south line of the first alley south of and parallel to Humphreys Street; thence along the south line of said alley east to a point one hundred and seventy-nine (179) feet east of the east line of Hagan Street, said point being the intersection of the south line of the above-described alley with the east line of the first alley east of and parallel to said Hagan Street; thence south along the east line of the last-named alley six hundred and sixty-four (664) feet to the south line of Merritt Avenue as now opened; thence along the south line of Merritt Avenue west to the line of the Louisville and Nashville Railroad, the present corporation line; thence along the Louisville and Nashville Railroad north to the beginning.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 9, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 11, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 29.

### HOUSE BILL No. 39.

(By Mr. Thomas.)

AN ACT to be entitled "An Act to amend Section 4 of Chapter 342 of the Acts of the General Assembly of the State of Tennessee of 1907," being an Act entitled "An Act to authorize the Board of Mayor and Alderman [Aldermen] of the city of Athens, McMinn County, Tenn., to issue coupon bonds not to exceed fifteen thousand dollars (\$15,000), the proceeds to be used by the Board of Education of said city for the erection of a new school building for the public free schools of said city, and for the furnishing of same; and for the purchase of additional real estate therefor by said Board of Education, if desirable; and for improving the ground on which said building is erected; and also for the purpose of authorizing a tax levy to pay interest on same; and to provide a sinking fund for all liquidation of said bonds."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 4 of Chapter 342 of the Acts of 1907 of the General Assembly of the State of Tennessee be amended by striking out the words:

"*Provided, further*, that the said city may, at the option and by direction of said Board of Mayor and Alderman [Aldermen], purchase, retire, and cancel any bonds outstanding at the market price."

SEC. 2. *Be it further enacted*, That all Acts and parts of Acts in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 5, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 12, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 30.

### HOUSE BILL No. 51.

(By Mr. Thomas.)

AN ACT to amend "An Act to incorporate the city of Athens, McMinn County, Tenn., and to establish a school district therein, and support the same; to define the powers of said corporation; to provide for the election of officers for said city and school district; to prescribe their duties; and to provide when the Act shall go into effect," so as to change the name of said municipal corporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Chapter 316 of the Acts of the General Assembly of the State of Tennessee for 1903 entitled "An Act to incorporate the city of Athens, McMinn County, Tenn., and to establish a school district therein and support the same; to define the powers of said corporation; to provide for the election of officers for said city and school district; to prescribe their duties; and to provide when the Act shall go into effect," be, and is hereby, amended so as to strike out of the first section thereof the words, "a body politic and corporate by the name and style of the Mayor and Aldermen of the city of Athens," and let there be inserted the words, "city of Athens."*

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed February 5, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 12, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 31.

### HOUSE BILL No. 82.

(By Mr. Gross.)

AN ACT to be entitled An Act to incorporate the town of Coal Creek, Anderson County, Tenn., under the corporate name of the "Mayor and Aldermen of Coal Creek," and to provide for the organization, powers, and government thereof; and to provide for the election of the necessary officers of said corporation; and also to provide and establish a special road and school district within the limits of said corporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Coal Creek, in Anderson County, Tenn., and the inhabitants thereof be, and are hereby, incorporated a body politic and corporate under and by the style and name of the "Mayor and Aldermen of Coal Creek," and shall have perpetual succession by the corporate name; may sue and be sued, plead and be impleaded; grant, receive, purchase, and hold real and personal property, and dispose of the same for the benefit of the said town; and may have and use a common seal.

Boundary.

SEC. 2. *Be it further enacted*, That the boundary and description is as follows—to wit: Beginning on a large sycamore standing between the Briceville and Coal Creek Road, and south 50 degrees and 50 seconds west 105 feet from the crest of the north end of the old milldam; thence north 1 degree and 40 seconds west up the side of Walden's Ridge 500 minutes to a stake which stands south 59 degrees and 30 seconds west 38 minutes from a walnut tree; then north 25 degrees 20 seconds west 1,118 minutes to a stake in the center of the old road, which stake stands south 75 degrees and 20 seconds west 159 minutes from the northwest corner of the Hatmaker house; then north 3 degrees and 20 seconds east 710 minutes to a stake in a hollow; then north 66 degrees and 30 seconds east 1,445 minutes to a maple stump; then north 51 degrees east 263½ minutes to a stake in the center of slaughter-pen branch, and witnessed by an iron-wood tree 22 minutes northeastwardly and

a sugar maple ten minutes southwestwardly; then north 71 degrees east with the center of the lane 468 minutes to a stake in the west line of Jacksboro Road and at the mouth of the lane; then south 57 degrees 18 seconds east 1,698 minutes to a stake at the southeast corner of John Adkins' garden fence, witnessed by a black oak, cedar, and gum; then south 10 degrees and 40 seconds west 496 minutes to a stake standing southeast 23 minutes from the southeast corner of R. L. Luallen's house; then south 39 degrees and 10 seconds east 280½ minutes to Hoskins' corner; then south 2 degrees east 348 minutes to Hoskins' southeast corner; then same course continued 36 minutes to a stake on top of a knoll; then south 46 degrees and 20 seconds east 376½ minutes to a white oak at the mouth of a hollow at the edge of the bluff, on the north side of Coal Creek; then south 56 degrees and 40 seconds east, crossing the center of Coal Creek at 340 minutes, in all 415 minutes, to a small walnut on the south bank of Coal Creek opposite the mouth of a drain; then with the west bank of Coal Creek south 57 degrees east 669 minutes to a stake on the south bank of Coal Creek; then south 12 degrees and 35 seconds east 412½ minutes to the forked walnut tree, corner in the old dower line; then with the west bank of Coal Creek south 10 degrees east 257 minutes to a stake; then south 1 degree and 30 seconds east 300 minutes to a stake; then south 10 degrees west 205 minutes to a stake; then south 21 degrees and 30 seconds east 270 minutes to a stake; then south 1 degree east 274 minutes to a sycamore corner at the mouth of a branch; then up the center of said branch and with the fork of branch running between T. W. Thomas' house and the Louisville and Nashville Railroad Company's section houses in a general southwestwardly direction to a point in said branch, where a line south 45 degrees east from the beginning corner would cross said branch; then from said point in branch west 45 degrees west about 1,350 minutes to the beginning, containing 258 acres, more or less.

SEC. 3. *Be it further enacted*, That said corporation shall have full power and authority:

1. To enact such laws and ordinances as may be necessary and proper to preserve the health, quiet, and good order of the town.

To enact laws  
and ordi-  
nances.

2. To prevent, remove, and abate nuisances.

3. To establish night watches and patrols, if deemed necessary.

4. To ascertain, when necessary, the boundaries of streets and alleys, and to open, change, close, and widen streets and alleys.

5. To grant privileges in the use and enjoyment of the same.

6. To extend, establish, grade, pave, or otherwise improve, clean, and keep in repair streets, alleys, pikes, and sidewalks; and, when necessary, to remove trees or other obstruction from said streets, sidewalks, and alleys.

7. To assess property for taxes, or to levy or collect by proper officers taxes upon all real and personal property, poll, and privileges, taxable by the laws of the State.

8. To appropriate money and provide for the debts and expenses of the town.

9. To make regulations to prevent the introduction and spread of contagious diseases in the town; and, when deemed necessary, to appoint a Board of Health for the purpose of enforcing the same within one mile of the town limits.

10. To erect, establish, and keep in repair bridges, culverts, sewers, and gutters within the town or immediately connected with it.

11. To restrain and prohibit gaming, gambling, and houses of ill fame, and other disorderly conduct.

12. To prohibit indecent exhibitions.

13. To provide for the organization and regulation of fire companies and the sweeping of chimneys.

14. To impose and collect fines and forfeitures for breeches and violations of its ordinances.

15. To prohibit the erection of wooden buildings in such part of the town that may be deemed expedient, and to establish such fire limits as may be deemed advisable.

16. To provide for waterworks and lighting plant within or without the corporation, or to make contracts for lights and water for corporation purposes.

17. To establish a system of free schools and maintain them by taxation and to regulate said schools.

18. To regulate the storage of gunpowder and all other combustible materials, and use of lights and stovepipes in all stables, shops, and other places.

19. To provide for the arrest and confinement until trial of all drunk or disorderly persons.

20. To regulate, tax, license, or suppress the keeping or going at large of animals within the town, or any designated part of the same, and to impound any animal or animals, and in default of redemption in pursuance of any ordinances to sell or dispose of them.

21. To commit any person or persons who may fail or refuse to pay or secure any fine and cost imposed upon them by any ordinance of said town to the jail, calaboose, or workhouse of said town until such fine or cost be fully paid or secured. Every person committed to the workhouse shall be required to work for the town as his or her health will permit at such wages and under such regulations as may be established by ordinance, said work to continue until said fine and costs is fully paid.

22. To prohibit the selling, tippling, making, or giving to minors any intoxicating liquors, including wine, ale, and beer, used for a beverage, or any of the so-called "near-beers" or any other substitute for liquor or beer, when the same contains alcohol. The Board of Mayor and Aldermen are authorized to make ordinances for the punishment of any violation of the provisions of this section.

23. To pass all laws and ordinances necessary to enforce the powers granted not inconsistent with the Constitution and of the laws of the United States or of Tennessee.

SEC. 4. *Be it further enacted*, That the Election Commissioners of Anderson County shall open and hold an election in the said town of Coal Creek on the first Tuesday in March of the year 1909, and every two years thereafter, after giving ten days' notice, for the purpose of electing a Mayor and six Aldermen of said town. Also on the same date the said Election Commissioners shall hold an election for Justice of the Peace, to serve for the term of six years, and a Constable to serve for two years. Said Election Commissioners shall hold said election under and by virtue of the general election laws of Tennessee, and shall appoint the necessary officers to hold said election. All persons owning a freehold of the assessed valuation of \$100 in said town, or bona fide residents for three months preceding

Election to be held.

said election, who shall be qualified to vote for the members of the General Assembly, shall be entitled to vote for Mayor and six Aldermen, a Justice of the Peace and Constable, and any other officers of said town that may be elected by the people.

Officers in-  
stalled.

SEC. 5. *Be it further enacted*, That the Election Commissioners shall within five days after said election deliver to the persons having highest number of votes a certificate of their election, and the Mayor and Aldermen shall meet in the town of Coal Creek upon the presentation of the certificate of their election, and some Justice of the Peace of said county of Anderson shall administer to them the oath of office to the effect that they shall faithfully demean themselves as Mayor and Aldermen during their continuance in office.

Term of office.

SEC. 6. *Be it further enacted*, That said Mayor and Aldermen and Constable shall be elected for the term of two years, and shall serve until their successors are elected and qualified, and in case the election shall not be held on the date mentioned in this Act, it shall be legal to hold said election on any subsequent date upon ten days' notice.

Vacancies  
filled.

SEC. 7. *Be it further enacted*, That in case of a vacancy in the office of Mayor and Aldermen or corporation Constable, the same may be filled by the Board of Mayor and Aldermen. Four Aldermen and the Mayor shall constitute a quorum for the transaction of business.

Special road  
district.

SEC. 8. *Be it further enacted*, That the town of Coal Creek is hereby created a special road district, to be worked under the orders of the Mayor and Aldermen, and the County Trustee of Anderson County is hereby required to keep a separate account of all road taxes collected by him on the property and privileges of said town, to pay over to the Recorder or Treasurer of the town on a warrant drawn by the Mayor, and such warrant will be a good voucher to the Trustee in his settlement with the County Court or County Judge. The funds so paid over by the Trustee shall be used by the said Board of Mayor and Aldermen in opening, improving, and repairing and constructing foot pavements, side walks, and the streets of the town, and also for erecting and keeping in repair bridges and culverts upon said streets.



**SEC. 9.** *Be it further enacted,* That the town of Coal Creek is hereby created a special school district, and the public, common, or high school of said town shall be managed and controlled by said Board of Mayor and Aldermen as directors control the same in districts under the general laws of the State. Said Mayor and Aldermen shall have all the powers, perform all the duties now required and allowed by the laws of the State in reference to the public schools, and be under the supervision of the County and State Superintendents as school directors for school districts and as school commissioners for counties under the general laws of the State.

Special school district.

The general laws of the State in regard to public, high, or common schools shall apply to the town of Coal Creek as far as the same are not modified herein.

The County Trustee of Anderson County is hereby required to pay over on the warrants issued by the order of said Board of Mayor and Aldermen the school fund collected by him on the property, polls, and privileges within the corporate limits of said town, to be used by said Mayor and Aldermen as heretofore directed and provided, and also to pay over to an account of said town the pro rata of the common or public-school fund that shall come into his hands from the State of Tennessee, according to the scholastic population of said town and as the same is paid to the directors, commissioners, or other school officers of the county. The County Court Clerk of Anderson County will report to the County Trustee the amount realized by him for school purposes from merchants and privileges within the limits of said town. Such amount shall pass or be placed to the credit of said Mayor and Aldermen by the Trustee as in case of polls and property taxes paid the Trustee for school purposes as above provided.

Trustee to pay over school fund.

The said Board of Mayor and Aldermen shall be a body politic and corporate in like manner as the school directors are under the general laws of the State; *provided*, said school directors shall be and remain coextensive with the corporate limits of said town, but no larger.

**SEC. 10.** *Be it further enacted,* That the Mayor of the said town shall preside at all the meetings of the

Mayor's duties.

Board of Aldermen; shall take an oath of office; call special meetings of the Board when deemed expedient; see that the corporate laws and ordinances are duly enforced; issue corporate warrants on the Treasurer when so ordered by the Board; make such reports to the Board as shall be directed by ordinance; appoint person or persons to act as City Marshal until the meeting of the Board, in the absence, resignation, or sickness of the regular corporate officers; and shall appoint special policemen to assist the City Marshal when, in his opinion, the occasion requires it. Said Mayor is also given the same power and authority to perform all the duties pertaining to the office of Recorder, in his absence or sickness or when a change of venue is prayed and granted by said Recorder; and in all cases where the said Recorder is ineligible to try offenses, then the same may be tried by said Mayor.

Recorder's  
duties.

SEC. 11. *Be it further enacted*, That the Recorder of said corporation shall be invested with full power and authority to try all offenses for violation of the ordinances and laws of the corporation, and invested with concurrent jurisdiction with Justice of the Peace in all cases of the violation of the criminal laws of the State and ordinances of the corporation of Coal Creek within the limits thereof, and in the case of the violation of the State laws, shall be entitled to the same fees that a Justice of the Peace receives for like services.

To collect  
privilege  
taxes, etc.

SEC. 12. *Be it further enacted*, That said Recorder shall keep the minutes of the meetings of the Board, and shall collect all fines assessed, also all merchants' privileges, ad valorem taxes, and all the judgments rendered against all violators of corporate ordinances and their sureties, and shall be empowered to issue executions thereon, and collect such penalties as Justice of the Peace are authorized in judgments rendered by them. He shall also render such reports as the Board may require.

SEC. 13. *Be it further enacted*, That the Recorder shall have power and authority to commit to the calaboose, county jail, or workhouse those convicted of the violation of corporate ordinances who fail or refuse to pay or secure the fine and cost assessed by the Recorder; and said offenses shall be disposed of

as provided in Section 3 and Subsection 21 of this Act.

SEC. 14. *Be it further enacted*, That the Board of Aldermen shall provide for the election of a City Marshal, Recorder, and Treasurer by ordinance, or any other officer or officers that they may deem necessary to the welfare of said town, who shall hold office for a term of not more than two years, or until his successor is elected and qualified; *provided*, that the Recorder and Treasurer shall each before entering upon the duties of their offices make bond, payable to the Board of Mayor and Aldermen, in such sums as the said Board may prescribe, conditioned upon the faithful performance of their duties as Recorder and Treasurer in the collection and accounting of all moneys coming into their hands, and shall pay out corporate money only on a warrant issued by the Mayor, and shall make such reports of same as the Board may order.

Aldermen to elect officers.

SEC. 15. *Be it further enacted*, That it shall be the duty of the City Marshal to arrest all violators of the ordinances and laws of said corporation and bring them before the Recorder for trial, or take bond for their appearance before the Recorder for trial in such sums as may be required by law. He shall also be charged with the execution of process, civil or criminal, and shall have the power to execute State warrants or other process as constables have under the laws of the State of Tennessee, and shall perform such other duties of said corporation as may be provided by ordinance.

City Marshal's duties.

SEC. 16. *Be it further enacted*, That the Mayor and Aldermen shall have full power and authority to dismiss or remove any officer or agent appointed or elected by them for any incompetency or violation, neglect or disregard, of the duties imposed upon them by the laws and ordinances of said corporation, or for any misconduct in office, and a majority of the Board of Mayor and Aldermen, acting affirmatively, can effect such dismissal. A majority of the said Board of Mayor and Aldermen may also remove one of their own members for any misconduct in office, if voting affirmatively; and in such proceedings the Aldermen on trial shall be incompetent to vote, and they shall take a special oath for the trial of their members.

Officers—how removed.

**Taxes  
assessed.**

SEC. 17. *Be it further enacted*, That the Mayor and Aldermen shall have power to assess and collect the corporate taxes, either through their own officer or the county officials.

**Tax levy.**

SEC. 18. *Be it further enacted*, That the Mayor and Aldermen are hereby prohibited from levying a higher tax than \$1 on the \$100 of taxable property for corporate purposes.

**Warrants.**

SEC. 19. *Be it further enacted*, That every warrant drawn upon the Treasurer or Recorder shall show upon its face for what purpose it was issued.

SEC. 20. *Be it further enacted*, That in the absence, incompetency, or sickness of the Mayor, the Aldermen may select one of their number to preside at all meetings of the Board.

SEC. 21. *Be it further enacted*, That the Board of Mayor and Aldermen shall have power and authority to pass all by-laws, ordinances, and regulations not inconsistent with the laws, Constitution of the United States, and of the State of Tennessee, as they deem necessary and expedient to properly carry into effect the provisions of this charter.

SEC. 22. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 5, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 12, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 32.

### HOUSE BILL No. 107.

(By Mr. Chrisman.)

AN ACT amending Chapter 146 of the Private Acts passed at the Called Session of the Nineteenth General Assembly, entitled "An Act to incorporate the Porter Female Academy, in Williamson County," and appointing trustees for the Porter Female Academy.

WHEREAS by Chapter 146 of the private Acts of the Called Session of the Nineteenth General Assembly the Porter Female Academy, in Williamson County, was incorporated; and

WHEREAS all of the Trustees of said academy and their successors appointed under the provisions of said Act have died without from time to time filling vacancies as herein provided; and

WHEREAS the business relating to the management, interest, and government of said academy is now controlled and managed by Trustees appointed under a decree of the Chancery Court at Franklin, in Williamson County. but the validity of the appointment of said Trustees having been questioned, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of Chapter 146 of the private Acts passed at the Called Session of the Nineteenth General Assembly be, and the same is hereby, amended by adding thereto the following words: "But in the event that the Board of Trustees of the Porter Female Academy at any time shall fail to fill vacancies that may happen by death, resignation, or otherwise, and all of said Trustees shall die, without having from time to time filled vacancies in said Board by election, the General Assembly shall appoint Trustees to transact the business relating to the management, interest, and government of said institution, who shall be clothed with all the powers granted to the Trustees herein named."

SEC. 2. *Be it further enacted*, That Joseph T. Jordan, George W. Waller, A. S. Floyd, F. A. Scales,

and W. H. Bostick be, and they are hereby, appointed and constituted Trustees for the Porter Female Academy in Williamson County.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 8, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 12, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 33.

### HOUSE BILL No. 118.

(By Davidson Delegation.)

AN ACT to be entitled An Act to amend an Act entitled An Act to amend an Act entitled An Act to provide for the creation and organization, and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upward, according to the Federal census of 1880, whose charters have been abolished, the same being Chapter 114 of the Acts of the General Assembly of 1883, by providing for the grading, guttering, paving, graveling, or macadamizing of any of the streets, highways, avenues, or alleys within the corporate limits of such cities, and assessing two-thirds of the total cost of said improvements upon the lands or lots abutting on said streets, highways, avenues, or alleys, and for paying for said improvements, and for authorizing such cities to issue certificates to pay for the same, and for the redemption of said certificates, the same being Chapter 482 of the Acts of the General Assembly of 1907, by providing that the revenue which has accrued during the years 1907 and 1908 by virtue of the special levy of taxes authorized by Section 23 of said Chapter 482 of the Acts of the General Assembly of 1907, shall be used exclusively by the proper city officials for the purpose of improving or constructing suburban streets in those parts of the city of Nashville which were annexed to said city by Chapter 333 of the Acts of the General Assembly of 1905, Chapter 80 of the Acts of the General Assembly of 1907, Chapter 119 of the Acts of the General Assembly of 1907, and Chapter 124 of the Acts of the General Assembly of 1907.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 23 of Chapter 482 of the Acts of the General Assembly of 1907, passed April 13, 1907, and approved April 15, 1907, the same being the Act the title of which is set forth in the caption of this Act, be, and the same is hereby, amended by adding at the end of said Section 23 the following: "*Provided, however*, that the revenue which has accrued by virtue of the special street tax, authorized by this section, during the years 1907 and 1908, the same amounting, approximately, to \$110,000, shall be used exclusively by the proper corporate officials of the city of Nashville for the purpose of constructing, improving, and maintaining suburban streets in those parts of the city of Nashville which were annexed thereto by Chapter 333 of the Acts of

the General Assembly of 1905, Chapter 80 of the Acts of the General Assembly of 1907, Chapter 119 of the Acts of 1907, and Chapter 124 of the Acts of the General Assembly of 1907."

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 9, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WM. KINNEY,**  
*Speaker of the Senate.*

Approved February 11, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*



## CHAPTER 34.

### HOUSE BILL No. 138.

(By Mr. Murphy et al.)

AN ACT to be entitled An Act to amend an Act entitled An Act to provide for the creation and organization, and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upward, according to the Federal census of 1880, whose charters have been abolished, the same being Chapter 114 of the Acts of 1883, by providing certain salaries to be paid the members of the police force and fire departments of said cities, the same being Chapter 487 of the Acts of the General Assembly of 1903, by increasing the compensation of the Assistant Superintendent of Fire Alarm Signals from sixty dollars per month to eighty dollars per month.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* Section 1 of Chapter 487 of the Acts of the General Assembly of the State of Tennessee for the year 1903, passed March 30, 1903, and approved April 1, 1903, be, and the same is hereby, amended as follows: By striking out in said first section of said Act the words and figures, "Assistant Superintendent of Fire Alarm Signals, \$60 per month," and by inserting in lieu thereof the following: "Assistant Superintendent of Fire Alarm Signals, \$80 per month."

SEC. 2. *Be it further enacted, That* this Act take effect from and after its passage, the public welfare requiring it.

Passed February 9, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 11, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 35.

### HOUSE BILL No. 281.

(By Mr. Mitchell.)

AN ACT to ascertain the will of the voters of Warren County on the question of a stock law.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That within five days after the approval of this Act it shall be the duty of the Commissioners of Election of Warren County to order, open, and hold an election at the regular polling places of said county for the purpose of ascertaining the will of a majority of the qualified voters of said county on the question of the enactment of a stock law. Said election shall be held not less than twenty nor more than twenty-five days after the issuance of notice thereof, which notice shall be published for two weeks in some newspaper of general circulation published in said county. All voters legally qualified to vote in State or county elections shall be qualified to vote in the election hereby ordered.

SEC. 2. *Be it further enacted*, That upon the ballots to be voted at said election those favoring the enactment of a stock law shall write or have printed the words "For Stock Law;" that voters opposed to such law shall have written or printed upon their ballots the words "Against Stock Law." All ballots for use in said election shall be printed at the expense of the county, and all costs of the election shall be paid as other election expenses are now paid. The laws of this State governing general elections shall apply to the election herein ordered, and violations of such laws shall be punished as violators of the general election laws are now punished.

SEC. 3. *Be it further enacted*, That the portion of Warren County lying on Cumberland Mountain and valuable principally for pasture or grazing purposes shall not be subject to the stock law herein proposed; *provided*, any person or persons desiring to pasture said mountain lands shall have at any and all times

a herder to watch the cattle, horses, mules, sheep, hogs, or any animals being so pastured on such mountain lands to prevent the same from straying into any territory or district subject to the stock law.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Commissioners of Election to canvass the vote of said special election within three days after the same is held to certify the result thereof to the Representative from Warren County and to the Senator from Franklin County in this General Assembly, and also to have said vote published in some newspaper of general circulation in Warren County.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 9, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 11, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 36.

### HOUSE BILL No. 294.

(By Mr. Tatum.)

AN ACT to authorize the Mayor and Aldermen of the town of Dyersburg, Dyer County, Tenn., to issue interest-bearing time warrants in an amount of fifteen thousand dollars (\$15,000), bearing six per cent interest, for the purpose of paying off its existing indebtedness incurred in building the addition to the public-school building and equipment for same.

WHEREAS the Mayor and Aldermen of Dyersburg owes debts to the amount of more than fifteen thousand dollars (\$15,000), incurred in the erection of an

addition to the public-school building and equipment for same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Board of Mayor and Aldermen of Dyersburg, in its corporate capacity, be, and the same is hereby, authorized and empowered by ordinance to issue interest-bearing time warrants, which shall be evidence of debt against said Board of Mayor and Aldermen of Dyersburg, in an amount of fifteen thousand dollars (\$15,000), said warrants to bear six per cent interest from the day of their issuance, payable annually, and the same to be used in procuring funds with which to pay off said indebtedness of said Board of Mayor and Aldermen of Dyersburg aforesaid.

Denominations.

SEC. 2. *Be it further enacted*, That any interest-bearing time warrant to be issued under the provisions of this Act shall be in denominations fixed by the Board of Mayor and Aldermen, and shall be redeemable in the order, time, and manner said Board of Mayor and Aldermen see proper to prescribe by ordinance, and shall run for a period of not more than five years from date of issuance. The said time warrants, when issued, shall be signed by the Mayor and Recorder and bear the corporate seal of the Mayor and Aldermen of Dyersburg. A full record of said warrants shall be kept by the said Recorder, showing when and to whom issued, when taken up and when same shall have been paid.

SEC. 3. *Be it further enacted*, That none of the time warrants to be issued under the provisions of this Act shall be sold for less than par, and said time warrants shall be payable in the current money of the United States, and shall be paid out of the general tax funds of said Mayor and Aldermen of Dyersburg.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; that this act take effect

from and after its passage, the public welfare requiring it.

Passed February 9, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 11, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 37.

### HOUSE BILL No. 316.

(By Mr. Brooks of Cocke.)

A BILL to be entitled "An Act authorizing Cocke County, Tenn., to issue bonds for the building of turnpikes, the improvement of public roads, and the construction of a bridge across the Pigeon River, and to levy tax and create sinking fund for the payment of same; for the appointment and payment of Commissioners and regulation of same; and to provide for the punishment of violations of the provisions of this Act."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Cocke, through its Quarterly County Court, at any regular or called session, a quorum of the Justices being present, and a majority voting therefor, is hereby authorized and empowered to issue bonds of the said county in the amount of \$200,000 for the purpose of constructing turnpikes, improving the public roads in said county hereinafter named, and building a bridge across the Pigeon River at or near Bluffton.

SEC. 2. *Be it further enacted*, That any bonds to be issued under the provisions of this Act shall be in the denomination of \$500 each, and shall bear interest, payable semiannually, on the first day of January and July of each year, at the rate of five per

Denomina-  
tions of  
bonds—  
where paya-  
ble.

cent per annum, payable at the office of the Trustee of Cocke County, Tenn.

Coupons, etc.

SEC. 3. *Be it further enacted*, That each of said bonds shall have attached to it the coupons for the semiannual interest upon the same for each of the years the said bonds are to run, showing the amount of each semiannual installment of interest on said bonds, and when same shall fall due, which coupons shall be signed in the same manner as the bonds, except the official seal of the County Court Clerk need not be affixed to said coupons, the said coupons, however, to show on their face the number and amount of bonds to which they are attached. Said bonds shall be signed by the Judge or Chairman of the County Court of Cocke County, Tenn., and countersigned by the Clerk of the County Court of said county, with his official seal affixed to each of same, and shall be numbered in the order of issuance, beginning with "one." The bonds and coupons herein provided for when due and paid off by the Trustee or County Tax Collector, shall be by said Trustee or Tax Collector canceled by stamping or writing on the face thereof the date received and paid, and held by him as a voucher for the payment in his settlement with the Judge or the Chairman of the County Court, who will preserve said bonds and coupons as a part of the records of his office.

Bonds issued  
in install-  
ments.

SEC. 4. *Be it further enacted*, That said bonds shall be issued in the following installments, maturing as follows:

\$20,00 due in ten years.

\$30,000 due in fifteen years.

\$50,000 due in twenty years.

\$50,000 due in twenty-five years.

\$50,000 due in thirty years.

To levy special  
tax.

SEC. 5. *Be it further enacted*, That it shall be the duty of the said Quarterly County Court to levy a tax annually on all of the taxable property of said county sufficient for the purpose of paying semiannual interest on the said bonds, and also for the purpose of creating a sinking fund for the redemption of said bonds as they become due and redeemable, as provided by this Act. Said tax shall be levied on all taxable property in the county, including all taxable property in any municipal corporation within said county, but no poll tax shall ever be assessed

or collected for the purpose of paying either the principal or interest on said bonds.

The Judge or Chairman of the County Court shall keep in a well-bound book in his office a record of the number and denomination of all the bonds issued under this Act, and the aggregate sum thereof, which at all times shall be subject to inspection by the court and public.

SEC. 6. *Be it further enacted*; That the County Trustee shall collect and account for the tax herein authorized in the same manner as he is required to collect and account for the county taxes, and said County Court shall require said Trustee or Tax Collector to give an additional bond for the faithful performance of his duty in collecting and accounting for such taxes, raised for the purpose of payment of interest on and creating of sinking fund for redemption of same, the penalty of such additional bond to be fixed by the Quarterly County Court.

Trustee to collect tax.

SEC. 7. *Be it further enacted*, That the Judge or Chairman of the County Court of said county shall, within the last sixty days immediately preceding the maturity of said bonds, give notice to the holder or holders of same through a newspaper published in said county for a term of thirty days, stating in said notice the date said bonds fall due, and requesting that the same be presented for payment and redemption on the said date of maturity; and if said bonds be not presented for payment at maturity, then the interest thereon shall cease at that date; and when said bonds or any of them are paid and returned as herein set out, the Trustee or Tax Collector shall, upon settlement with the Judge or Chairman of the County Court, have credit thereon on account of said bond tax. Said thirty days' notice may be given at any time after maturity in the same manner and with the same force and effect as above provided.

To publish maturity of bonds.

SEC. 8. *Be it further enacted*, That said bonds shall not be sold by the Commissioners hereinafter provided for less than their par value, with the accrued interest thereon, and no commission shall be allowed any one, directly or indirectly, for the sale of said bonds.

SEC. 9. *Be it further enacted*, That for the purpose of carrying out the provisions of this Act, William Wood, R. M. Jones, and B. W. Hooper are hereby

Three Commissioners appointed.

appointed and constituted the Commissioners to sell said bonds and to contract said public roads in said county.

"Cocke County  
Pike Com-  
mission."

SEC. 10. *Be it further enacted*, That the legal name and designation of said Commissioners shall be "Cocke County Pike Commission." Should any vacancy occur in said Commission by death, resignation, or removal, the Quarterly County Court shall fill said vacancy; *provided*, that said Commission shall be always composed of one man residing north of the French Broad River, one south of said river, and one in the civil district in which the county seat is located, and no two of said Commissioners shall at any time reside in the same civil district. Said Commissioners shall be citizens and freeholders of Cocke County, distinguished for their integrity, intelligence, and financial responsibility. Said Commissioners are authorized to employ engineers and other expert service to survey, inspect, change, and classify said public roads as hereinafter set out and indicated, and make charts and maps showing the changes and improvements on or near the lines of roads hereinafter to be indicated. Said improvements to include grading, filling, metaling, ditching, widening, bridging, draining, piping, and other necessary improvements in constructing said roads; and said Commissioners shall make a record of the probable or approximate costs of making such improvements, that specifications shall then be made for the work to be done in the improvement of said roads and building of such turnpikes in said county hereinafter made and set out, who shall then advertise for said work as a whole or in parts or in sections, and give the same to the lowest responsible bidder or bidders, the Commissioners reserving the right to reject all bids; and said Commissioners may employ engineers or other necessary aid to supervise or superintend the work. All work shall be done subject to the inspection of the Commissioners or engineers employed by them. The work done according to specifications laid down shall be approved and accepted by the Commissioners, and the work not so done shall be disapproved and rejected by the Commissioners. The said Commissioners shall make written contracts with all contractors employed by them, and shall require solvent bonds in sufficient



penalty of all contractors, conditioned for the faithful performance of their said contracts.

SEC. 11. *Be it further enacted,* That said Commissioners shall not expend any of the funds derived from the sale of said bonds for the payment of rights of way or releases or for any damage growing out of said road building in any way or manner. Rights of way.

SEC. 12. *Be it further enacted,* That said Commissioners and surveying force shall have the right to enter and survey on any lands in the county, the county thereby being subject to none but actual damages. Said Commissioners may have condemned the rights of way selected by them on any route, damages to be assessed as now provided by law, the Commissioners herein named having all the rights and powers now conferred by law upon District Road Commissioners for the purpose of laying out, condemning, and assessing damages for rights of way required by them in discharge of their duties under this Act. Said Commissioners shall have the right to settle by agreement with the landowner the amount of damages for rights of way when practicable, and report said amount to the County Court for payment. Same.

SEC. 13. *Be it further enacted,* That said County Pike Commissioners shall hold their office until the completion of the work and improvements contemplated by this Act; *provided,* that the Quarterly Court of said county may at any time remove from office any or all of said Commissioners, upon its being made to appear to the court that any Commissioner or Commissioners have failed or refused or neglected to properly carry out any of the provisions of this Act, due notice of such proceeding having been given to the Commissioner in question. Term of office of Commissioners.

SEC. 14. *Be it further enacted,* That said Commissioners shall organize as a body and elect a Chairman and such other officers as they deem necessary. Said Commissioners shall appoint regular times and places of meeting, and may meet at any time and place in the county on the call of the Chairman; and the action of said Commissioners may be determined by a majority vote. To organize.

SEC. 15. *Be it further enacted,* That said Commissioners shall make report to the County Court at each quarterly term, showing the progress of im- To report to Quarterly Court.

provements in detail, and at the completion of the work shall make final report to said court, and shall furnish such information concerning said work as the County Court may call for at any time.

Compensation.

SEC. 16. *Be it further enacted*, That the compensation of said Cocke County Pike Commissioners shall be fixed by the County Court.

Commissioners  
to hold funds,  
etc.

SEC. 17. *Be it further enacted*, That said bonds when issued by the Chairman and Clerk of the County Court as herein provided shall be turned over to the said Cocke County Pike Commission, they executing their receipt therefor; but before said bonds are delivered to said Commission to be disposed of as herein set out, said Commission shall execute the bond herein required, and upon sale of said bonds by the Commissioners said Commission shall deliver said bonds to the purchaser, and shall take charge of the proceeds thereof under the bond hereinafter required, and said fund shall remain in their custody and shall be subject to their orders. Said fund shall be placed by said Commission in such bank or banks as they may see fit, and upon such terms and conditions as they may deem proper. Said Commission shall make a report in detail to the County Court of the sale of said bonds and the disposition of the proceeds thereof, in addition to the other reports herein required.

Contracts.

SEC. 18. *Be it further enacted*, That none of the Commissioners shall be interested to any extent in any contract under which any of said turnpikes or roads shall be built or improved. Any Commissioner violating any section of this Act shall be subjected to a fine of not less than \$1,000, and imprisonment, at the discretion of the court, and shall be removed by the County Court.

To pay con-  
tractors.

SEC. 19. *Be it further enacted*, That the Commissioners shall pay contractors each thirty days upon estimates made by the engineers or assistants, reserving ten (10) per cent of each estimate until the entire contract is completed.

Commissioners  
to sell bonds.

SEC. 20. *Be it further enacted*, That said Commissioners, when said bonds are delivered to them, shall sell the same either at public or private sale, either as a whole or in such amounts as they may deem advisable, and shall deliver them to the purchasers on payment to them of the purchase price; and the

funds realized from the sale of said bonds shall be disbursed by the said Commission for the purposes for which said bonds are issued.

SEC. 21. *Be it further enacted*, That said Commissioners may contract with the road builders or contractors to use the convicts or workhouse labor of the county on said roads if they can do so advantageously to the county; and in such cases the provisions of the contract as to the safe-keeping, care, and comfort of such convicts shall be the same as is now provided by law. To let convicts.

SEC. 22. *Be it further enacted*, That the Cocke County Pike Commission provided for in this Act, before entering upon the discharge of their duties as such Commissioners, shall take and subscribe the following oath: "I, . . . , do solemnly swear that I will faithfully discharge the duties imposed upon me as County Pike Commissioner, without fear, favor, or partiality, to the best of my ability." Oath and bond.

The foregoing oath may be taken and subscribed before any officer to administer oaths, and the same shall be filed for record in the office of the County Court Clerk of said county.

In addition to taking the foregoing oath, said Commissioners shall enter into bond in such penalty as the County Court may fix, dependent upon the amount of money that shall go into their hands from the sale of said bonds. Said court may increase the penalty of said bond whenever deemed necessary, and the penalty of said bond shall at no time be less than the amount of money in their hands, with two or more solvent securities, conditioned for the faithful performance of their duties prescribed in this Act.

SEC. 23. *Be it further enacted*, That whatever of the funds raised by the levy of taxes herein provided for remain in the hands of the Trustee after payment of interest on said bonds as herein provided shall constitute a sinking fund for the retirement of said bonds when matured or redeemable; and said funds shall be loaned by a Sinking Fund Commission, of which the County Trustee shall be ex officio a member and Chairman, and the remaining two members elected by the County Court for a term of three years. Said fund shall be loaned upon such security as the Quarterly County Court may direct at the Sinking fund to be loaned.

legal rate of interest, when possible, interest payable semiannually. Said Commissioners shall be required to give bond in such penalty and with such securities as the County Court may require.

SEC. 24. *Be it further enacted*, That Commissioners shall build and construct in the manner and form before named and indicated the following named public roads of said county—to wit:

Names of  
roads.

1. The road leading from Newport to the Greene County line by way of Parrottville and Salem.

2. The Bybee and Knob Road beginning at the Parrottville Road north of the Old Town bridge and extending by way of Bybee through the Narrows and down State Creek to Frank Dawson's.

3. The road running from the Bybee Road near the Arm Church by way of Fowler's Grove to Bruner's Grove.

4. The Wilsonville Road from Newport to the Jefferson County line near Reedville, connecting with both the Hayes' Ferry Road and the Trion Road at said county line.

5. A road from said Reedville Road near Zeb Clevenger's store to the Jefferson County line at a point near Jim France's, connecting with the road from Chestnut Hill.

6. The road from Newport to Cosby White Church by way of Bryant's Mill, beginning at Church Street and going by way of Woodlawn Avenue in Newport.

7. The Jones Cove Road from Bryant's Mill to the old Hartsell Shop place, where Middle Creek Road intersects with the Jones Cove Road.

8. The road from Newport to Bridgeport Bridge, and thence upon the river to the Del Rio Bridge.

9. The road from Del Rio Bridge to the foot of Round Mountain.

10. The road to Naugh from its intersection with the road last above named near the W. R. Stokeley place.

11. The Edwina Road leading from Newport to the John Hale lane.

12. The road from the foot of the hill at Jud Vinson's to the Cosby Pike by way of the Cosby Bridge.

13. The Dutch Bottom Road, beginning where it intersects with the Wilsonville Road, and extending to where the road forks to turn off to Rankins.

14. The road from the Parrottville Road to the Deepford Bridge.

15. The road from Bluffton to J. J. Proffit's.

Said Commission shall expend the sum of \$2,500 in the grading and improvement of the road from Hartford to Naillon, and from Cole's Mill on Mountain Creek to the mouth of Raven's Branch; \$500 on the Round Mountain Road to the North Carolina line; and \$250 on the Low Gap Road.

Said County Pike Commission, in laying out the roads herein provided for, shall not be confined to existing routes, but shall have power to make such changes as they may see fit, taking into consideration the cost and practicability of routes and cost of rights of way.

To change routes.

The foregoing roads which run from Newport shall begin at the county courthouse unless otherwise indicated.

The roads numbered from one to fourteen, inclusive, shall be macadamized, and the road numbered fifteen shall be a graded road only.

Macadamize.

SEC. 25. *Be it further enacted*, That said County Pike Commission, before expending any of the funds herein provided for roads, shall first set aside a sufficient amount thereof to erect an iron bridge across the Pigeon River at or near Bluffton, and said Commissioners are hereby empowered and directed to let the contract for the building of said bridge and superintend the construction thereof. Said contract shall [be] let to the lowest responsible bidder, said Commission reserving the right to reject all bids.

SEC. 26. *Be it further enacted*, That the County Court, after the expenditure of the fund hereinbefore provided, shall have the right and power to make a further issuance of bonds to the amount of \$100,000 for the purpose, first, of finishing the roads herein specified, if any remain unfinished; and, second, of building and improving such other roads as they may designate. Said bonds shall be issued and sold, and the proceeds thereof handled and disbursed in the same manner and under the same regulations and restrictions as hereinbefore provided for the first issue. The County Court shall determine the amount, terms, denomination, and rate of interest of said bonds; *provided*, that the rate of interest shall not

To issue additional bonds.

exceed five (5) per cent, and said bonds shall not be sold for less than par.

SEC. 27. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 5, 1909.

M. HILLISMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 12, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 38.

### SENATE BILL No. 2.

(By Mr. Holladay.)

AN ACT to refund the sum of \$103.96½ to T. J. Ray, Trustee of Overton County, out of any money in the State treasury not otherwise appropriated.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of one hundred and three dollars and ninety-six and one-half cents (\$103.96½) be refunded to T. J. Ray, Trustee of Overton County, Tenn., out of any money not otherwise appropriated, same being the amount overpaid by him on taxes for said county of Overton for the year of 1907, and the Comptroller is hereby ordered and directed to issue his warrant for the same.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 5, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 12, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 39.

### SENATE BILL No. 3.

(By Mr. Blackburn.)

A BILL to be entitled "An Act to authorize Giles County to issue negotiable bonds for indebtedness incurred in constructing and furnishing a courthouse for said county."

WHEREAS in April, 1907, the courthouse of Giles County was so damaged by fire that it had to be entirely rebuilt, and shortly thereafter, prompted by the urgent public need, the Quarterly County Court of said county ordered the construction of a new building in its place and made contracts to that end, and in order to carry out these contracts and secure a completion of the building, it became necessary to issue warrants to the contractors as the work progressed, amounting in the aggregate to a sum not less than \$100,000, which were accepted by such contractors upon the conditions and agreements set forth in several resolutions of said court at different terms thereof, the substance of which appears in the following resolutions of said court—to wit:

"Be it further resolved by the Quarterly Court of Giles County, That the next General Assembly of the State of Tennessee be, and is hereby, petitioned to pass an Act authorizing Giles County to issue bonds or time warrants, payable in twenty years, with privilege of retiring \$50,000 at expiration of ten years, bearing interest at the rate of six (6) per cent per annum, payable on January 1 and July 1 of each year, and directing that said bonds or time warrants be exchanged at par value for such outstanding and unpaid warrants issued in settlement for work done and material furnished in the construction, equipment, and furnishing the contemplated courthouse or incidental thereto, said warrants to be taken in such exchange at par value and accrued interest;" therefore,

Bonds—  
amount of.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county of Giles, through its Quarterly County Court, be, and the



same is hereby, authorized and empowered to issue negotiable coupon bonds in the aggregate sum of \$100,000 for the purpose of paying off, as set forth in the preamble of this Act, the outstanding indebtedness of said county, which is evidenced by warrants already issued, or which have been ordered to be issued, by said County Court in payment of the construction and furnishing of its courthouse as hereinbefore set forth.

SEC. 2. *Be it further enacted*, That the bonds authorized by this Act shall be issued in such denominations and made payable when and where it may seem to said County Court best to fund its said indebtedness, except as hereinafter limited; *provided*, the period of the maturity of said bonds shall be twenty years, one-half of which, beginning at the lowest number, shall be payable at the option of the said Quarterly County Court after ten years from the date of issuance upon such notice as the County Court issuing them may prescribe, the conditions of which notice shall be recited in the face of said bond; *provided, further*, that the said county shall not issue bonds to a greater amount than \$100,000, the interest on outstanding warrants to be paid out of the county treasury; that said county shall not dispose of any bonds issued under this Act at less than par; that said bonds shall bear a rate of interest of six (6) per cent per annum; *provided, further*, that all said bonds shall show on the face thereof that the same are issued to fund or pay off the indebtedness of the county incurred as herein set forth.

Denominations.

SEC. 3. *Be it further enacted*, That said bonds shall be executed in the name of the county of Giles, and shall be signed by the County Judge and ex-officio Chairman of the Quarterly Court of the county of Giles, and countersigned by the Clerk of said court, with his official seal affixed to the same, and shall be numbered consecutively in the order of issuance, beginning with 1.

Issued in name of Giles County.

SEC. 4. *Be it further enacted*, That each of said bonds shall have attached to it coupons showing the amount of each semiannual installment of interest on said bonds and when the same shall fall due, which coupons shall bear the lithographed or printed signature of the County Judge and of the County Court Clerk, but not the official seal of the Clerk, and shall

Coupons.

show on their face the number and denomination of the bond to which they are attached. The coupons herein provided for shall become due semiannually; and when due, shall be receivable in payment of any county taxes, except the sinking fund tax hereinafter provided for; and when so received or paid off by the Trustee or Tax Collector, shall be by him canceled by stamping or writing on the face thereof the date received or paid, and held by him as his voucher for the payment in his settlement with the Chairman of the County Court, who will preserve said coupons as a part of the records of his office; that the County Judge or ex-officio Chairman of the Quarterly County Court of said county shall keep in a well-bound book a record of the number and denomination of all such bonds issued, and also of all bonds and interest coupons redeemed or paid; that he shall make settlement with the County Trustee upon the receipts and disbursements in the same manner as provided for settlement in regard to other county funds; and, *be it further provided*, that a substantial compliance with the provisions of this Act shall be sufficient, and no irregularity in regard to the issuance, exchange, or disposition of said bonds shall invalidate same.

Sinking fund.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Quarterly County Court of said county annually to levy a tax on taxable property in said county for the purpose of paying the semiannual interest on said bonds, and also for the purpose of creating a sinking fund for the redemption of the bonds herein authorized when they fall due, or are called in, or redeemed as herein provided.

Trustee to collect.

SEC. 6. *Be it further enacted*, That the Trustee or Tax Collector shall collect and account for the tax herein authorized, the same as he is required by law to collect and account for other taxes, and he shall receive the same compensation as for collecting other county taxes; and the County Court may, when it thinks proper, require such Trustee or Tax Collector to give additional bond for the performance of his duty for collecting and accounting for said fund.

Publication.

SEC. 7. *Be it further enacted*, That the call as provided for in Section 2 of this Act shall be made on order of the Chairman of the County Court by advertising the same in any newspaper of general circulation published in said county, and in another

such newspaper published in Nashville, Tenn., by weekly publication for thirty (30) days, setting out the number of the bonds so called, interest to cease after the date of such call.

SEC. 8. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 3, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 12, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 40.

### SENATE BILL No. 18.

(By Mr. Blackburn.)

A BILL to be entitled An Act to amend Section 4 of Chapter 77 of the Acts of 1893 of the General Assembly of Tennessee, entitled An Act to create the office of County Judge of Giles County, Tenn., by striking out the word "quarterly" in said Section 4 in said Act, and inserting the word "monthly" in place thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 4 of Chapter 77 of the Acts of the General Assembly of the State of Tennessee of the year 1893, entitled An Act to create the office of County Judge of Giles County, Tenn., be, and is hereby, amended by striking out of the said Section 4 of said Act the word "quarterly" in the fourth line thereof, and inserting the word "monthly" in place thereof.

SEC. 2. *Be it further enacted*, That this Act take effect from and after the passage hereof, the public welfare requiring it.

Passed February 3, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 12, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

CHAPTER 41.

SENATE BILL No. 32.

(By Mr. Ward.)

AN ACT to incorporate Finley, in the county of Dyer, and to define the rights and powers of the town, and to provide for the election of officers for said town and prescribe their duties and powers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Finley, in Dyer County, Tenn., and the inhabitants thereof are hereby constituted a body politic and corporate by the name and style of the "Town of Finley," and by this corporate name and style said town may sue and be sued, and shall have the right of perpetual succession.

"Town of  
Finley."

SEC. 2. *Be it further enacted*, That the said town of Finley hereby incorporated shall be further empowered in its corporate capacity to contract and be contracted with; to grant, receive, purchase, and hold real, mixed, and personal property, and to dispose of the same for the benefit of the said town or corporation, and have and use a common seal; to make, purchase, and otherwise acquire and hold property, real and personal, beyond or within the limits of the said corporation, to be used either for the burial of the dead, schoolhouses, pesthouses, hospitals, or other improvements proper or incidental to the welfare of the inhabitants of said town.

To make con-  
tracts.

SEC. 3. *Be it further enacted*, That the boundaries of the said town of Finley hereby incorporated shall be as follows: Commencing one hundred yards north of the Dyersburg Northern Railroad with G. J. Jackson's west line; running thence due south with his line to a point in line with the south line of the Frank Pritchard farm; thence east with said Pritchard's line to the lane between W. W. Edwards and E. E. McDavid's; thence north, crossing Dyersburg Northern Railroad at one hundred yards; thence west to the beginning.

Boundaries.

SEC. 4. *Be it further enacted*, That the officers of

Officers to be  
elected.

the town of Finley to be elected by the qualified voters of said town shall be a Mayor and six Aldermen, who shall constitute the Town Council, each and all of whom shall be citizens and qualified voters within the corporate limits of the said town, and shall hold office for two years, or until their successors are elected and qualified.

To organize  
and elect Re-  
corder, etc.

SEC. 5. *Be it further enacted*, That the Mayor and Aldermen so elected shall meet and organize upon the first Monday in the next month after their election, at which time, or at an adjourned meeting then called for the purpose, they shall elect a Recorder, a Marshal, and such other officers as may be necessary to carry out the object of this charter; and the Recorder may in the discretion also be the Treasurer of the town; and all said officers shall be elected by a majority vote of the said Board of Mayor and Aldermen.

First Town  
Council.

SEC. 6. *Be it further enacted*, That the first Town Council under this charter shall be the following-named persons—to wit: John Hicks, Mayor; and J. W. Rawles, Bert Huey, F. E. Jones, W. C. Hudson, Victor Mitchell, and W. B. Little, Aldermen; and each shall hold his office and exercise all the power conferred and perform all the duties imposed by this Act until their successors are elected and qualified, and they shall organize on the first Monday night after the passage and approval of this law.

Election—  
when and  
how held.

SEC. 7. *Be it further enacted*, That on the first Thursday in August, 1910, and every two years thereafter the City Marshal shall open the polls and hold an election in said town of Finley for the purpose of electing a Mayor and six Aldermen; and ten days previous to the holding of said election the Marshal shall notify the voters in said town of said election by printed or written handbills posted at the post office and three other prominent places in said town, giving the time, place, and purpose of the said election; and he shall name the qualified citizens, whom he has [is] hereby empowered to choose, to assist him, whether as judges, officers, or clerks, in the holding of said election, all of which officers of said election shall take an oath before any Justice of the Peace in the county faithfully and impartially to perform the duties of the positions which they respectively assume to fill, and said elections shall

in all other respects conform to the election laws of the State, except that the registration laws shall not apply.

SEC. 8. *Be it further enacted*, That the said Board of Mayor and Aldermen, or Town Council, shall constitute the legislative body of said corporation. They shall meet once each month, or oftener if they deem it necessary; and they shall have power to pass all ordinances and resolutions, and to make all orders necessary to carry out the objects and purposes of this charter. It shall not be necessary for an ordinance to pass more than one reading, but before it becomes effective it shall, at the next regular meeting after its passage, be signed and approved by the Mayor, who shall have veto power; and if he refuses to approve said ordinance, it shall not become a law unless five of the seven men composing the Council or Board should then or thereafter vote for the same, in which event it shall become incumbent and imperative upon the Mayor to sign and approve the same, and it shall then become a law.

Town Council to meet—  
when.

SEC. 9. *Be it further enacted*, That the Mayor shall be a bona-fide citizen of the town, a man of good moral character, and not less than twenty-five years of age. It shall be his duty to preside at all meetings of the Council, to vote in all elections before the Board, and to call special meetings of the Board when he shall deem the same necessary. He shall see that the ordinances and resolutions of the Board are fully enforced, and in the case of an emergency he shall have the power to call to the aid of the Marshal or police force as many special police as he may deem necessary to preserve order and protect life or property, and the Council or Board may by ordinance prescribe penalties for failure to obey said order or call. The Mayor shall be the chief executive officer of the town, and as such shall be ex-officio chief of police and chairman of all standing committees, and in all suits brought against the town of Finley process shall be served upon the Mayor or the party acting in his stead; and in case of the absence, sickness, or other disability of the Mayor, the Recorder shall be the Mayor pro tem, and assume all his powers, duties, and responsibilities.

Duties of the  
Mayor.

SEC. 10. *Be it further enacted*, That at the first meeting after their said biennial election in August,

Recorder and  
Treasurer—  
how elected  
and duties of.

or at a subsequent meeting to be then designated, the Board or Council shall elect from the bona-fide citizens of said town the Recorder and Treasurer, the City Marshal, and such other officers as they may deem necessary, who shall hold their offices for the period of one year, or until their successors are elected and qualified, and said officers so elected shall, before entering upon the discharge of the duties of their respective offices, take an oath before the Mayor faithfully and impartially to discharge the duties of their respective offices to the best of their skill and ability. The Mayor, or, in his absence, the Recorder, shall try all cases for the violation of any ordinance of the town and all offenses against the peace and dignity of the said town, and he is hereby vested with all the powers and duties of a Justice of the Peace of Dyer County in the trial of criminal cases. In case an appeal is taken from the judgment or sentence of the Mayor or Recorder, the party appealing shall be required to give a good appeal bond in the sum of one hundred dollars, conditioned to successfully prosecute the appeal in the appellate court, or pay the said judgment and costs that may there be rendered against him, and in no case shall an appeal be had under the pauper's oath.

Records.

SEC. 11. *Be it further enacted*, That the Recorder and Treasurer shall keep a full and correct minute of all the proceedings of the Board; issue privilege licenses and collect the taxes on the same, and collect all ad valorem and special taxes that may be levied by the Board, and shall keep a proper ledger account of the same; and shall make out the town tax book and turn the same over to the Town Marshal, taking his receipt for the same. He shall have charge of all the deeds, records, and property of the said corporation, and may be required by the Board to act as Treasurer and make such reports and showings to them as they may order at any time, and he shall perform such other duties that the Board may impose upon him not in conflict with the provisions of this charter and the statutes of the State. He shall receive such compensation above his fees or [for] issuing licenses as the Board may order; and in the trial of causes, whether by him or the Mayor, the same fees shall be allowed as are prescribed by law for Justices of the Peace in such trials, all of



which are to be kept of public record upon dockets to be provided for the purpose. He shall receive from the Town Marshal all the moneys that may come into his hands from taxes or fines and receipt for the same and disburse the same under the orders of the Mayor and Aldermen, who can exact a statement of financial conditions of receipts and disbursements, and the condition of the town treasury, when they may so order it; and he shall perform such other duties as the Board may provide.

SEC. 12. *Be it further enacted*, That the Town Marshal shall acquaint himself with the laws and ordinances of said town, and rigidly enforce the same, for which purpose full police power is here given him, which he may exercise without warrant in hand in any and all cases of emergency or when offenses are committed in his presence; and when necessary, he shall have the right and power to call to his assistance any male citizen to aid him in making arrests or preserving the peace. He shall have charge of the town jail or prison; and when a prisoner is committed to him, he shall take charge of him subject to the orders or judgment of the Mayor's Court. He shall collect all taxes except privilege and merchants' ad valorem taxes, and shall perform such other duties as the Board may at any time provide.

Town  
Marshal—  
duties of.

SEC. 13. *Be it further enacted*, That the Board or Town Council shall have power by ordinance or resolution within the corporation limits of said town:

Council to levy  
taxes, make  
laws, etc.

1. To levy and collect taxes upon all real, personal, and mixed property, polls, and privileges, taxable by the law of the State.

2. To appropriate money and provide for the payment of the debts and liabilities of the town.

3. To license, tax, and regulate every person, thing, business, or thing licensed, taxed, or regulated by the laws of the State.

License.

4. To pass all proper ordinances establishing, changing, or closing streets, and for repairing said streets and keeping the same or the bridges and sidewalks of the town in good condition.

5. To make regulations against the introduction and spread of contagious diseases within the town, and to enforce the same within one mile of the corporate limits; to make quarantine laws and construct

or establish hospitals and pesthouses and confine persons infected with contagious diseases therein.

6. To make all necessary laws and regulations for the health, safety, peace, and comfort of the inhabitants of the town.

7. To provide for the erection of such buildings as may be necessary for the use of the town, and to suppress, regulate, or prohibit all disorderly houses.

8. To establish a standard of weights and measures to be used in the town in all cases not otherwise provided by law.

9. To pass police laws and regulations for the town; to impose fines, penalties, and forfeitures for the breach of town ordinances and provide for the collection of the same.

10. To commit to jail any person who fails to pay or secure any fine and cost imposed upon him for violation of town ordinances or to work said person for the town until said fine and costs are paid or worked out. A day's work shall be eight hours, and shall entitle the prisoner to a credit of fifty cents above his board.

Cemetery.

11. To purchase cemetery or land for cemetery near said town or within its limits.

Schools.

12. To establish a system of city free schools and maintain them by taxation, and for this purpose the Board shall be empowered to levy a special tax to be known as the "School Tax," which shall be used exclusively for school purposes, but shall not exceed fifty cents on the \$100 worth of taxable property in the corporation limits. Said schools shall be under the control of the Board, who may exercise their supervision through a committee of three if they so order, but the life of the committee shall terminate with the life of the Board. The Board or their committee shall draw all school warrants upon the city treasury or the County Trustee for the school funds belonging to the said town, and shall be amenable to the State laws governing school directors.

13. To determine what are nuisances, and to restrain, prohibit, or abate the same.

14. To do and perform all acts that municipal corporations have the right and power to do, either by the statute laws of Tennessee or the common law.

Sec. 14. *Be it further enacted*, That as soon as practicable in each year after the assessment books

for the State and county are completed (which is after the Equalization Board provided for by the State law shall have finished the equalization of taxes for Dyer County) it shall be the duty of the Recorder to prepare from the said assessment books of Dyer County a town tax book, embracing such property and persons as are liable for taxes within the corporate limits of the town of Finley, and said tax book, when duly certified to by the Recorder, shall be the tax or assessment book of said town of Finley for all municipal purposes; *provided*, that there may be an assessment by the Marshal at any time of any person or property subject to taxation found to have been omitted.

SEC. 15. *Be it further enacted*, That it shall be the duty of the Recorder in each year as soon as his tax or assessment book for the town is made out to submit to the Board a certified statement of the tax aggregate or assessment of the taxable property within the town limits, including telegraph, telephone, or railroad properties, together with a certified statement of the revenues derived by the town from privilege taxes, merchants' ad valorem taxes, and fines for the preceding fiscal year; and upon the presentation of this statement or report, the Board shall proceed by ordinance to make the proper levy to meet the expenses of the town for the current fiscal year and all special assessments that are necessary to be made. Tax aggregate.

SEC. 16. *Be it further enacted*, That it shall be the duty of the Recorder immediately after the levy of the taxes by the Board of Aldermen to have said levy extended upon the tax books prepared by him in the same manner that extensions are made upon the tax books in the hands of the County Trustee. Tax books.

SEC. 17. *Be it further enacted*, That all taxes in the town of Finley shall be due and payable on the first Monday in November of each year, and upon that date the tax book by the Recorder shall be turned over to the Town Marshal, who shall proceed to collect them and turn them into the town treasury; and on the first Monday in January thereafter all taxes uncollected by the Marshal and unpaid at that time shall become delinquent taxes, and the Marshal shall turn the same over to the Town Recorder, certified to by him under oath that said list is a cor- Taxes—when due.

rect list of unpaid or delinquent taxes. The said taxes thus becoming delinquent and so certified as delinquent the said certificate shall have the force and effect as a judgment to the effect that they are delinquent in a court of record, and the Recorder shall then have the power to issue distress warrants in the name of the town of Finley to the City Marshal to enforce the collection of the taxes against the persons owing the same, and said distress warrants shall be executed by the Marshal of the town by a levy upon and a sale of the goods and chattels of said delinquent taxpayers under the same provisions as prescribed by law for the issuance of distress warrants for the collection of State or county taxes.

Lien.

SEC. 18. *Be it further enacted*, That all municipal taxes upon real property in the said town are hereby declared to be a lien on said property from and after the first Monday in January of each year for the preceding year's taxes, superior to all other liens, except for taxes due the State or county, and is co-ordinate with these liens. No assessments shall be invalid by reason of any technical error or defect of description, or because the owner was not known; and the lien for delinquent and unpaid taxes of the town shall be enforced against the property and the owners thereof in the way and manner provided by law and the prevailing statutes of Tennessee. But no real property on which delinquent taxes are due shall be proceeded against until a distress warrant has been issued against the owner of said property and has been returned by the Marshal nulla bona as to personality.

Poll tax.

SEC. 19. *Be it further enacted*, That all male persons who are qualified to vote in Finley in the State and county elections shall also be entitled to vote in the town elections; *provided*, that those subject to poll tax shall present to the judges of the election a receipt showing that they have paid their municipal poll tax for the year previous to the one in which the particular election is held, or shall subscribe to a written oath that said taxes have been paid.

SEC. 20. *Be it further enacted*, That all officers of this corporation, except the Mayor and Aldermen, shall, before entering upon the discharge of their duties, enter into bond in such amounts and under such penalties as the Board may prescribe.

SEC. 21. *Be it further enacted*, That this Act is declared a public law, and may be read as evidence in all the courts of law and equity in this State, and all the proceedings of the City Board of Aldermen may be read as evidence in the courts of the State after being first authenticated by the Recorder, with the seal of the corporation attached.

SEC. 22. *Be it further enacted*, That all laws and parts of laws in conflict with the terms of this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 3, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 11, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 42.

### SENATE BILL No. 46.

(By Messrs. Howse and Matthews.)

AN ACT to authorize Davidson County to issue bonds for the purpose of purchasing suitable property for the establishment and maintenance of a permanent State Fair, and to own and operate said fair or to convey or lease said property to the State of Tennessee for the purpose of maintaining thereon a State Fair, and to provide for the payment of said bonds and interest thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Davidson County, through its Quarterly County Court, be, and is hereby, authorized and empowered to issue its negotiable bonds of the county not to exceed the sum of one hundred and fifty thousand dollars (\$150,000), bearing interest at a rate not exceeding six per centum per

Amount of  
bonds, de-  
nominations,  
etc., for State  
Fair.

annum, payable semiannually and being evidenced by appropriate interest coupons attached to each of said bonds. Said bonds shall be issued in such denominations as the County Court of said county in quarterly session shall determine, and shall be payable in any legal tender money of the United States of America. Said bonds may be made redeemable by the county at its option before their maturity upon a specified notice to the holders. Said bonds shall be executed in the name of Davidson County, and shall be signed by the County Judge or Chairman of the County Court of Davidson County, and countersigned by the Clerk of said court, with his official seal affixed to the same; and said bonds shall be numbered consecutively in the order of issuance, beginning with No. 1. Said bonds or their proceeds shall be used and appropriated for the purpose of purchasing suitable property in Davidson County, upon which there shall be established and maintained permanently a State Fair, showing the agricultural, mineral, and other resources, the commercial and industrial development, the educational interests, etc., of Davidson County, and of the State of Tennessee. If after such property is thus purchased it should be deemed desirable by the Quarterly Court of Davidson County, such property may be by Davidson County conveyed or leased to the State of Tennessee for a nominal consideration, upon condition that the State of Tennessee shall use and maintain said property in fulfillment of the purposes hereinbefore set forth.

Special tax.

SEC. 2. *Be it further enacted*, That if said county shall determine to issue said bonds, it shall have the power to levy and collect all necessary taxes for the purpose of paying said bonds and the interest thereon.

County Court  
to order  
election—  
when and  
how held.

SEC. 3. *Be it further enacted*, That the power hereby conferred upon said county shall be exercised through its County Court at any quarterly term or any special term thereof duly called by a majority of the Justices present; *provided*, there be a quorum present. Said court shall determine the length of time said bonds shall run, whether they shall be redeemable before maturity, and if so, after what time and upon what notice, and shall also determine the rate of interest which they shall bear; *provided*, how-

ever, that the Quarterly County Court of said county shall submit said proposition to the people of said county at an election to be held at each voting precinct in the county, and said election shall be held by the officers and Commissioners of Election under the provisions of the law governing county elections, and said bonds shall not be issued under said provisions unless a majority of all qualified voters voting in said election shall be in favor thereof, the qualification of voters at said election to be the same as the qualification of those voting in an election of county officers; and, *provided*, that the official ballot used in said election shall contain thereon the words, "For the Issuance of State Fair Bonds" and "Against the Issuance of State Fair Bonds," and each voter voting in favor of the issuance of said bonds shall place a cross mark opposite the words "For the Issuance of State Fair Bonds," and each voter voting against the issuance of said bonds shall place a cross mark opposite the words "Against the Issuance of State Fair Bonds;" and, *provided*, that the returns of said election shall be certified as required by law for the certification of county elections, and the result determined in the same manner; and, *provided, further*, that a failure to carry the election in favor of the bonds herein shall not prevent the submission of another proposition under this Act, and that the substantial compliance with the provisions of this Act in regard to said election shall be sufficient, and no irregularity in said election shall invalidate the same. Said Election Commissioners, as soon as practicable after said election shall have been held, will certify to the County Judge or Chairman of the County Court of Davidson County the result of said election; and if it appears from said certificate that a majority of the votes cast in said election shall have been for the issuance of said bonds, then said bonds shall be duly issued by the County Judge and Clerk of said court in accordance with the provisions of this Act.

SEC. 4. *Be it further enacted*, That this Act shall

take effect from and after its passage, the public welfare requiring it.

Passed February 5, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 11, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 43.

### SENATE BILL No. 62.

(By Messrs. McKay and Kelley.)

AN ACT to be entitled An Act to amend an Act entitled "A Bill to establish Taxing Districts in this State, and to provide means of local government for the same," being Chapter 11 of the Acts of 1879, and all amendatory Acts thereof, constituting the present charter of the city of Memphis, so as: (1) To change the name of the Board of Fire and Police Commissioners to the "Board of Commissioners of the City of Memphis;" and to provide for the qualification, election of the members of the same, and to provide for the membership of the said Commission upon the taking effect of this Act. (2) To abolish the Board of Public Works, and to provide for the exercise and discharge of the powers and duties heretofore vested in and devolved upon that Board by the said Board of Commissioners. (3) To more fully set out and define the powers and duties of said Board of Commissioners. (4) To more fully set out and define the powers and duties of the several members of the said Board of Commissioners; to fix their term of office and their compensation. (5) To separate the affairs of the city into various departments, to provide the scope and work of each department, and to provide for the heads thereof. (6) To create the office of Electric Inspector; and to define his duties, term of office, and compensation; and to change the name of City Register to "City Clerk." (7) To abolish the Board of Health as now constituted, and to provide for the exercise and discharge of the powers and duties heretofore vested in and devolved upon that Board by the Department of Health under the said Board of Commissioners. (8) To provide for the nomination and election by said Board of Commissioners of a Chief of the Police Department, a Chief of the Fire Department, a Superintendent of the Health Department, a City Attorney, a City Judge, a City Clerk, a Clerk



of the City Court, a City Engineer, a City Marketmaster, a City Paymaster, a City Chemist, a City Harnessmaker, a Building Inspector, a Plumbing Inspector, a Boiler Inspector, a Gas and Electric Light Inspector, an Electric Inspector, a Meat Inspector, an Inspector of Weights and Measures, a Collector of License and Privilege Taxes, a Veterinary Surgeon, a Wharfmaster, a Superintendent of the City Hospital, and for the appointment and removal of subordinate officers and employees, and to prescribe the term of office and compensation of the incumbent of said elective offices. (9) To provide for the filling of vacancies occurring in the Commission or in any municipal office, and for the conduct of said office whenever the regular incumbent thereof is temporarily absent or disabled. (10) To change the time for the meeting of the Board of Commissioners, and to provide for special or called meetings. (11) To prescribe the method of the passage of all ordinances and resolutions. (12) To abolish the office of Street Commissioner as now constituted. (13) To provide for the granting of franchises and the issuing of bonds, and for a referendum as to all ordinances granting franchises or authorizing a bond issue under certain restrictions. (14) To provide for the making and execution of all municipal contracts. (15) To provide for a Civil Service Commission, and for the adoption and enforcement of a system of civil-service rules. (16) To limit appeals from the City Court, and to provide for the remission of fines in certain cases. (17) To make it lawful to expend in any year a greater amount of money in any department than shall have been appropriated for that department; *provided*, such excess can be made up from a surplus in any other department or departments, and the same to be authorized by ordinance duly passed. (18) To change the manner of selecting an Assistant City Attorney; to fix his compensation and prescribe his duties, and to provide for his removal. (19) To provide for uniformity in the time for the expiration of the terms of office of all municipal officers elected by the people, so as to make said term expire on December 31, 1911, and every four years thereafter.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee;* That the Act entitled "A Bill to establish Taxing Districts in the State, and to provide the means of local government for the same," being Chapter 11 of the Acts of 1879, and all Acts amendatory thereof constituting the present charter of the city of Memphis be, and the same are hereby, amended in the manner and particulars and to the extent hereinafter provided.

**SEC. 2.** *Be it further enacted,* That the name of the Board of Fire and Police Commissioners be, and the same is, changed to the "Board of Commissioners of the City of Memphis." Said Board shall consist as at present of five members, one of whom shall be the Mayor. The first Board hereunder shall consist of the four members of the present Legislative Council of the city of Memphis, whose terms expire

Board of Commissioners of the City of Memphis.

in November, 1911, and of a Mayor, who shall be elected by the people of the city of Memphis, on the first Thursday after the first Monday in November, 1909. The qualifications of said Mayor and of the members of said Board of Commissioners shall be those now required by law for the members of the present Legislative Council, and the Mayor shall have the additional qualifications now provided by law for said office; *provided, however*, that no person shall be ineligible to said office because of having heretofore held said office.

Duties of  
Board.

SEC. 3. *Be it further enacted*, That the said Board of Commissioners shall have and exercise all the powers and discharge all duties now vested in and imposed upon, the present Board of Fire and Police Commissioners, the present Board of Public Works, and the present Legislative Council, together with such other powers and duties as are hereinafter prescribed.

Board of Public  
Works  
abolished.

SEC. 4. *Be it further enacted*, That the Board of Public Works is hereby abolished, and the powers and duties now vested in and imposed upon said Board and the several members thereof by law are hereby vested in and imposed upon the said Board of Commissioners and the several members thereof as herein provided.

Health  
Department.

SEC. 5. *Be it further enacted*, That the Board of Health as at present constituted is hereby abolished, and in lieu thereof is established a subordinate department to be known as the "Health Department," to be under the supervision and control of the Department of Public Affairs, which said department shall perform the duties and functions heretofore performed by the Board of Health.

Term of office  
of Mayor and  
Commissioners.

SEC. 6. *Be it further enacted*, That the term of office of the Mayor to be elected under this Act in November, 1909, shall expire December 31, 1911, and the term of office of the Mayor thereafter shall be four years; and, to the end that uniformity may prevail, the term of office of the other four Commissioners composing the first Board of Commissioners hereunder is hereby extended to and including December 31, 1911. The term of office of all Commissioners thereafter shall be four years. All of said Commissioners, including the Mayor, shall hold office

until their respective successors are elected and qualified.

SEC. 7. *Be it further enacted*, That the compensation of the Mayor shall be six thousand dollars (\$6,000) per annum, payable in monthly installments, and that of the other members of said Board of Commissioners shall be three thousand dollars (\$3,000) per annum, payable in monthly installments. No member of said Board of Commissioners shall, directly or indirectly, receive any other or greater compensation than that just provided.

Salary of  
Mayor and  
Commissioners.

SEC. 8. *Be it further enacted*, That to the end that the work of the city government may be classified and arranged and more efficiently conducted, there is now established the following departments, with the duties and powers, and made up as hereinafter indicated—viz.:

1. The Department of Public Affairs and Health.
2. The Department of Fire and Police.
3. The Department of Streets, Bridges, and Sewers.
4. The Department of Accounts, Finances, and Revenue.
5. The Department of Public Utilities, Grounds, and Buildings.

SEC. 9. *Be it further enacted*, That at the first meeting of the said Board of Commissioners, or at some meeting within thirty days thereafter, there shall be elected by said Board the following officers, whose terms of office and whose annual compensation (payable in monthly installments) shall be as herein indicated, as follows:

- City Attorney, two years, \$3,600.
- City Judge, two years, \$2,500.
- City Engineer, two years, \$3,000.
- City Clerk, two years, \$3,000.
- Chief of Police, one year, \$2,700.
- Chief of Fire Department, one year, \$2,700.
- City Paymaster, two years, \$2,000.
- City Chemist, one year, \$2,400.
- Superintendent of Health Department, two years, \$3,000.
- Clerk of City Court, one year, \$1,800.
- City Plumbing Inspector, one year, \$1,500.
- City Meat Inspector, one year, \$1,500.
- City Boiler Inspector, one year, \$1,680.

Officers and  
salaries.

Collector of License and Privilege Taxes, one year, \$1,500.

Wharfmaster, one year, \$1,500.

Marketmaster, one year, \$1,200.

City Veterinary Surgeon, one year, \$1,200.

Gas and Electric Light Inspector, one year, \$1,500.

City Harnessmaker, one year, \$1,200.

Inspector of Weights and Measures, one year, \$1,800.

Superintendent of City Hospital, one year, \$1,500.

Electric Inspector, one year, \$2,000.

Building Inspector, one year, \$2,500.

*Provided*, that none of said officers shall be paid, or shall receive, directly or indirectly, any further or greater compensation than that above described; and, *provided, further, however*, that the Board of Commissioners by proper ordinance may increase the salary of the City Engineer to a sum not to exceed five thousand dollars (\$5,000) per annum.

SEC. 10. *Be it further enacted*, That no Commissioner or officer herein named shall demand or receive in any manner or form any greater compensation than provided for herein; and that it shall be a felony for a Mayor; any Commissioner of the city of Memphis; any Park or Water Department Commissioner; any Civil Service Commissioner; any elective, appointive, or subordinate officer; any employee or any one connected with the government of the city of Memphis in any manner to accept any moneys or gifts of any character whatever other than that stipulated for performing the duties of their office. For any violation of the above and conviction thereof he shall be guilty of a felony and imprisoned in the State penitentiary for not less than one year or more than five years.

Mayors' duties,  
etc.

SEC. 11. *Be it further enacted*, That the Mayor shall be at the head and have charge of the Department of Public Affairs and Health. With the scope of this department shall be the general supervision of all the affairs of the municipality; the office of the City Attorney and matters pertaining thereto; the offices of City Judge and City Court Clerk and all matters pertaining thereto; the office of the City Clerk and matters pertaining thereto; the office of Superintendent of the Health Department and matters pertaining thereto, including the City Hospital,

the Veterinary Surgeon, and all matters properly pertaining to said departments; the office of the City Paymaster and matters pertaining thereto; the receiving and filing of all reports of heads of other departments, and reports from the Mayor as to his department, and to the general condition of the city with respect to all matters affecting the welfare of the municipality and its citizens. It shall be the duty of the Mayor as the head of this department to keep the Board of Commissioners from time to time advised as to all matters affecting the general welfare of the city. It shall also be the duty of the Mayor to preside at all meetings of the Board of Commissioners and to appoint such committees as may be provided for by ordinance or resolution for the Board.

SEC. 12. *Be it further enacted*, That the Department of Fire and Police shall embrace the Fire Department and the Police Department and all matters pertaining to such departments.

Fire and Police  
Department.

SEC. 13. *Be it further enacted*, That the Department of Streets, Bridges, and Sewers shall embrace everything heretofore embraced in the Engineer Department, including bridges, streets, sewers, subways, sidewalks, viaducts, or new work connected therewith of every character—graveling repair work of all kinds, city carpentering, also street sprinkling and cleaning, together with the stables, horses, mules, wagons, and equipment connected with said work, and also matters heretofore under the supervision of the Plumbing Inspector and Harnessmaker.

Street Department.

SEC. 14. *Be it further enacted*, That the Department of Accounts, Finance, and Revenue shall embrace all matters relating to the city finance and revenue; the auditing of all bills in every department, whether for purchasing, pay rolls, or otherwise; the supervision and auditing of books and accounts of every department of the city, together with the supervision of matters relating to front-foot assessments. Within this department shall also be embraced the Inspector of Weights and Measures, and the Collector of License and Privilege Taxes, and all matters connected with these offices.

Department of  
Accounts,  
Finance, and  
Revenue.

SEC. 15. *Be it further enacted*, That the Department of Public Utilities, Grounds, and Buildings shall embrace all the affairs of the city connected

Department of  
Public  
Utilities, etc.

with railroads, street-car lines, gas and electric-light companies, telephone and telegraph companies, Water Department, wharfage and Wharfmaster, market house and Marketmaster. Within this department shall also be embraced the Building Inspector, the Gas and Electric Light Inspector, the Boiler Inspector, and the Electric Inspector, and all matters connected with those offices. This department shall also embrace all public grounds and buildings and public parks; *provided, however*, that nothing in this Act shall be deemed to affect the powers and duties of the Park Commissioners of Memphis, as the same are now prescribed by law, or the Water Commission.

SEC. 16. *Be it further enacted*, That wherever a difference of opinion shall arise as to what department embraces a particular work or matter, either because the same is not herein specifically provided for or because of the difference of opinion as to the proper construction of the foregoing sections, the question shall be determined by the Board of Commissioners in regular session, and their conclusion shall be final and binding.

Commissioner  
of Fire and  
Police.

SEC. 17. *Be it further enacted*, That at the first meeting of a Board of Commissioners hereunder, or within thirty days thereafter, the said Board of Commissioner shall assign one of its members (not the Mayor) to each of the four departments last above mentioned, and the said four Commissioners shall thereafter be known and designated, respectively, as a Commissioner of the Department of Fire and Police; the Commissioner of the Department of Streets, Bridges, and Sewers; the Commissioner of the Department of Accounts, Finance, and Revenue; the Commissioner of the Department of Public Utilities, Grounds, and Buildings. The Board of Commissioners, however, shall have the power by a majority of vote at any time to change any or all of the Commissioners, except the Mayor, from one department to another, such change to be made operative by resolution duly passed by said Board; such resolution to fix the time when it shall take effect and to take effect at the time so fixed.

Vacancies—  
how filled.

SEC. 18. *Be it further enacted*, That upon any vacancy occurring in the Board of Commissioners by a death, resignation, removal, or otherwise, then the

remaining four Commissioners shall have the power by majority of vote to elect a Commissioner to fill such vacancy, who shall hold office for the unexpired term. Pending such election, the Mayor (or if the vacancy be in the office of Mayor, then the Commissioner of the Department of Fire and Police) shall assume and have charge of the department over which the Commissioner whose office has been vacated has charge; *provided*, that in the event in such an election by the Commission there should be a tie vote on the question of the election of said Commissioner, then the Mayor shall have the right to cast both his own vote and the vote of the Commissioner of the office so vacated.

SEC. 19. *Be it further enacted*, That the Board of Commissioners shall hold a regular meeting every Tuesday at 2:30 o'clock in the afternoon, and may hold such special meetings as may be called by the Mayor or any two of the other Commissioners. If the business of any regular or special meeting be not concluded on the day when same convenes, the Board may adjourn such meeting to any subsequent day of that week. All meetings of the Board shall be public, and shall be held at the place provided for such meetings, and said place cannot be changed except by ordinance.

Board meets—  
where.

SEC. 20. *Be it further enacted*, That no Commissioner nor any officer nor subordinate officer of the city shall be connected with or interested in, directly or indirectly, any contract with the city, nor shall any Commissioner of the city receive any compensation other than that herein specifically provided; nor shall extra pay be allowed or received by any Commissioner or officer by the city serving on a committee, agency, or commission whatever when appointed to such service by the Commissioners during his term of office; *provided, however*, that whenever the duties of any Commissioner shall require him to visit a point beyond the limits of Shelby County, his reasonable expenses shall be paid by the city.

Commissioners  
not to be in-  
terested in  
contracts.

SEC. 21. *Be it further enacted*, That every officer for whose election by the Board of Commissioners provision is herein made shall first be nominated by the Commissioner to whose department such officer belongs, and no such officer shall be elected by the Council except on such nomination; *provided, how-*

Officers to be  
nominated  
by Board.

ever, that if the Commissioner whose duty and function it is to nominate any officer shall fail within thirty days to make a nomination, any member of said Board shall have the right to make a nomination, or nominations, and the Board may thereupon elect a person so nominated.

Commissioners  
to fix bonds.

SEC. 22. *Be it further enacted*, That the Commissioners of the city of Memphis shall fix the amount of bonds and the method of their approval to be required of all elective, appointive, or subordinate officers, and such other city employees whom the Commissioners of the city of Memphis shall require to give bond. The approval of the official bonds of all elective, appointive, or subordinate officers and other employees must be indorsed thereon and signed by the Commissioners of the city of Memphis, and shall be given and made by some good and solvent surety company. All bonds, when approved, shall be filed with the Clerk of the city of Memphis. All the provisions of any law of this State relating to official bonds not inconsistent with this charter shall be complied with.

No officer to  
hold more  
than one  
office.

SEC. 23. *Be it further enacted*, That no Commissioner or officer of the city shall, during the term for which he is elected, be appointed to or accept any other office under the city government or be or become an officer or employee (with or without pay) of the State or county in any capacity whatever; *provided, however*, nothing in this section shall be construed to effect the office of County Trustee of Shelby County, who is now by law the receiver of taxes for the city.

Commissioner  
to act in ab-  
sence of  
Mayor.

SEC. 24. *Be it further enacted*, That in the event of the absence from the city, or of the death, resignation, or removal of the Mayor, or of his inability to act, the Commissioner of the Fire and Police shall have and exercise all the powers [and] the duties of the Mayor; and in the event of the absence of the Mayor from any meeting of the Board, such Commissioner shall preside in his place, and it shall not be lawful for either the Mayor or the Commissioner of the Fire and Police to absent himself from the city while the other is absent or disabled from attending to the duties of his office.

Commissioners  
to appoint.

SEC. 25. *Be it further enacted*, That in the event of the death, resignation, or removal of any officer



of this city, other than a member of the Board of Commissioners, it shall be the right and duty of the Board of Commissioners to elect as soon as practicable a successor to fill the vacancy; and if no election be had within thirty days after such vacancy occurs, the Mayor shall have the right, and it shall be his duty, to appoint some fit person to fill such vacancy until an election by the Board shall occur. The election by said Board to fill such vacancy shall be on nomination by the Commissioner of the department to which such office belongs. In the event of the temporary absence or disability of any officer other than a member of the Board of Commissioners, the Board shall, if a majority of the members thereof see fit, have the power to appoint some proper person to act in the place and stead of such officer during his absence or disability, and to provide for the compensation of such person temporarily discharging the duties of said office; *provided, however,* there shall be no deduction from the salary of the regular incumbent of said office during such absence or disability, unless the Board shall by resolution declare the absence from office of such incumbent to be without excuse.

Sec. 26. *Be it further enacted,* That within ninety days after organizing the Commissioners of the city of Memphis shall by ordinance appoint three Civil Service Commissioners, who shall hold office—one until January 1, 1911; one until January 1, 1912; one until January 1, 1913. Upon the expiration of these respective terms, successors shall be elected to hold office for three years from the date of election, and until his successor is elected and qualified. Each of these Civil Service Commissioners shall receive an annual salary of \$300, payable monthly. The Chairman of the Commission for each annual period shall be the member whose term first expires. No person on said Commission shall hold or be a candidate for any office of public trust or profit who is in arrears for taxes or who is not a freeholder and who has not resided in the city of Memphis, State of Tennessee, for at least six years next preceding his election. Two of said members shall constitute a quorum to transact business. The Commissioners of the city of Memphis may remove any of said Commissioners during their term of office for cause, four

Civil Service  
Commissioners.

Commissioners of the city of Memphis voting in favor of such removal, and shall fill any vacancy that may occur in said Commission for the unexpired term. The Commissioners of the city of Memphis shall provide suitable rooms in which the said Civil Service Commissioners may hold their meetings. They shall have a Clerk, who is to be elected by the Commissioners of the city of Memphis, who shall fix his compensation and term of office. Said Clerk shall keep a record of all meetings of said Civil Service Commission and do all necessary clerical work to carry out the rules and regulations of the Commission. Said Commissioners of the city of Memphis shall supply the said Civil Service Commission with all the necessary equipment to properly attend to such business.

Oath of.

SEC. 27. *Be it further enacted*, That before entering upon the duties of their office, each of said Civil Service Commissioners shall take and subscribe an oath, which shall be filed and kept in the office of the Clerk of the city of Memphis, to support the Constitution of the United States and the State of Tennessee, and to obey the laws [and] ordinances of the city of Memphis, and to aim to secure and maintain an honest and efficient force free from partisan distinction or control, and to perform the duties of his office to the best of his ability.

To examine  
qualification  
of applicants.

SEC. 28. *Be it further enacted*, That said Commissioners shall on the first Monday in April and October of each year, or oftener if it shall be deemed necessary, under such rules and regulations as may be prescribed by the Commissioners of the city of Memphis, hold examinations for the purpose of determining the qualification of applicants for position, which examination shall be practical, and shall fairly test the fitness of the persons examined to discharge the duties of the position to which they seek to be appointed. Said Commission shall, as soon as possible after such examination, certify to the Commissioners of the city of Memphis double the number of persons necessary to fill vacancies, who, according to its records, have the highest standing for the positions they seek to fill as a result of such examinations, and all vacancies which occur that come under the civil-service rule prior to the date of the next regular examination shall be filled from said

lists so certified; *provided, however*, that should the list for any cause be reduced to less than three for any division, then the Commissioners of the city of Memphis, or the Commissioner in charge of that department, may temporarily fill a vacancy, but not to exceed thirty days.

SEC. 29. *Be it further enacted*, That all persons subject to such civil-service examinations shall be subject to removal from office or employment by the Commissioners of the city of Memphis, or the Commissioner in charge of that department, for misconduct or failure to perform their duties under such rules and regulations as it may adopt; and the Chief of Police, Chief of Fire Department, Superintendent of the Health Department, or any superintendent or foreman in charge of municipal work may peremptorily suspend or discharge any subordinate then under his direction for neglect of duty or disobedience of his orders, but shall within twenty-four hours thereafter report in writing such suspension or discharge and a reason therefor to the Commissioner in charge of his department, who shall thereupon affirm or revoke such discharge or suspension according to the facts. Officers—how removed.

Such employee (or officer discharging or suspending him) may within five days of such ruling appeal therefrom to the Commissioners of the city of Memphis, who shall fully hear and determine the matter, and their conclusions in the premises shall be final.

SEC. 30. *Be it further enacted*, That every member of the Board of Commissioners of the city of Memphis shall have the power to administer oaths and affirmation, and said Board of Commissioners of the city of Memphis shall have the power to issue subpoenas; to compel by subpoena the production of books, papers, documents, and the attendance of witnesses; and to take and hear testimony concerning any matter or thing pending before such Commissioners of the city of Memphis. If any person so subpoenaed neglects or refuses to appear, or to produce any book, paper, or document as required by such subpoena, or shall refuse to testify before said Commissioners of the city of Memphis to answer any competent question, he shall be deemed in contempt, and said Commissioners of the city of Memphis shall Commissioners' power to administer oaths, etc.

have power to take proceedings in that behalf as provided by the general laws of the State. The Chief of Police must, on request of the said Board of Commissioners of the city of Memphis, detail a police officer or police officers to serve such subpoena or subpoenas.

To make reports.

SEC. 31. *Be it further enacted*, That said Civil Service Commissioners shall make annual report to the Commissioners of the city of Memphis, and they may require a special report from the said Civil Service Commission at any time; and said Commissioners of the city of Memphis may prescribe such rules and regulations for the proper conduct of the business of the said Civil Service Commission as shall be found expedient and advisable, including restrictions on appointments, promotions, removal for cause, roster of employees, certification of the records, and restrictions on payment to persons improperly employed.

To pass ordinances.

SEC. 32. *Be it further enacted*, That the Commissioners of the city of Memphis shall have the power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this Act relating to the Civil Service Commission.

Employees to be examined—when.

SEC. 33. *Be it further enacted*, That any Commissioner of the city of Memphis at the head of a department of the city government certifying to the Chairman of the Civil Service Commission may cause any employee or employees in his department coming under the civil-service rules to be examined as to his fitness and qualifications to fill his position. The Chairman of the Civil Service Commission, upon the receipt of such communication from said Commissioner of the city of Memphis and the head of a department of the city government, shall cite said employee or employees before the Civil Service Commission and examine them as to their fitness and qualification to fulfill the duties of their position according to the standards and rules adopted by the Civil Service Commission. As a test for such position, said Civil Service Commission shall report the results of such examination to the Commissioner of the city of Memphis who requested such examination; and said Commissioner of the city of Memphis must either retain or dismiss said employee or employees as the result of said examination may show.

SEC. 34. *Be it further enacted*, That the provisions of Sections 26 to 33 shall apply to all appointive officers and employees of the city of Memphis, except those especially named in Section 10 of this Act; commissioners of any kind; laborers whose occupation requires no special skill or fitness; and Assistant City Attorney, where such officers are appointed.

SEC. 35. *Be it further enacted*, That all officers and employees who shall be employed by the city of Memphis shall be elected or appointed with reference to their qualification and fitness and for [the] good of the public service, and without reference to their political faith or party affiliation.

SEC. 36. *Be it further enacted*, That it shall be unlawful for any candidate for office, or any officer in the employment of the city of Memphis, directly or indirectly, to give or promise any person or persons any office, employment, benefit, or anything of value for the purpose of influencing or obtaining the political support, aid, or vote of any person or persons. Any violation of the provision of this section shall be a misdemeanor, and be grounds for removal from office.

Misdemeanor  
for candidate  
to promise  
reward, etc.

SEC. 37. *Be it further enacted*, That the Mayor shall sign all bonds, notes, or other evidence of indebtedness by the city, and shall also sign all contracts to which the city of Memphis is a party; *provided*, that if the Mayor refuses to sign any such contract or instrument, the same shall become effective without his signature by the signature of any three of the other Commissioners. All checks issued by the city on any account shall be countersigned by the Mayor and two Commissioners.

Mayor to sign  
bonds, etc.

SEC. 38. *Be it further enacted*, That no contract involving the expenditure of exceeding five hundred dollars (\$500) shall be awarded or let until after the advertisement for at least one week by some newspaper published in Memphis, and then only to the lowest and best bidder; *provided*, that in case of emergency a publication of two days shall be sufficient.

Bids for con-  
tracts to be  
advertised.

SEC. 39. *Be it further enacted*, That before any contract can become effective or binding on the city, it shall be approved by a majority of the members of the Board of Commissioners, and the members ap-

Contracts to be  
approved by.

proving the same shall affix their signature thereto, and the same shall be copied with such signatures on the minutes of the proceedings of the Board.

Method of  
granting  
franchises.

SEC. 40. *Be it further enacted*, That the method of granting franchises shall remain as prescribed in Section 29 of Chapter 54 of the Acts of 1905, save and except that the ordinance granting such franchise shall be passed by a majority of the Board of Commissioners; *provided, however*, that no ordinance granting any franchise shall become effective until such ordinance shall have been passed at three separate regular meetings of the Board, and shall have been published in some daily newspaper published in Memphis, Tenn., at least three times, each of said publications to be on the day prior to the meeting at which each passage of the ordinance occurs.

Ordinance to  
issue bonds—  
when effective.

SEC. 41. *Be it further enacted*, That no ordinance authorizing or providing for any issue of bonds shall be effective until thirty days after its final passage and until the same shall have been approved by a majority of the qualified electors of the city voting at an election to be called and ordered for that purpose; *provided, however*, that such submission to and approval of by said voters shall be unnecessary unless same shall have been requested by a petition in writing, signed by at least five hundred qualified voters of the city within thirty days after the final passage of the ordinance providing for such bond issue.

City Judge's  
salary.

SEC. 42. *Be it further enacted*, That the salary of the City Judge shall be as now prescribed by law; *provided, however*, that in the event of the temporary absence or disability of the City Judge from any cause, no deduction shall be made from his salary, unless the Council shall by resolution declare that the absence from his duties was without reasonable excuse.

Fines.

SEC. 43. *Be it further enacted*, That no appeal shall lie from a judgment of the City Court rendered in the exercise of the jurisdiction of that court over all violations of municipal ordinances unless the judgment be for a fine of more than \$10 and costs; and, *provided, further*, that no order of said City Court remitting any fines shall become effective until it

shall have been signed by the Mayor and two Commissioners.

SEC. 44. *Be it further enacted*, That no ordinance shall become effective until the same shall have passed at three regular meetings of the Board of Commissioners, and shall have received at each meeting a majority of all members composing said Board, and unless the same shall have been published in some daily paper on the day preceding each meeting at which it had passed, and until the same shall have been published daily for at least one week after its final passage in some newspaper published in Memphis, and shall have been duly and formally recorded in the office of the City Clerk in the minutes of the proceedings of the Board; *provided, however*, that by unanimous vote of all the Commissioners any ordinance may become effective immediately upon its final passage if the matter be one of urgency.

Ordinances—  
how passed.

SEC. 45. *Be it further enacted*, That it shall be lawful to expend in any year a greater amount for any department than shall have been appropriated in the annual budget for the department; *provided*, such excess can be made up from a surplus in any other department or departments and the same is authorized by ordinance or resolutions duly passed.

Annual  
budget.

SEC. 46. *Be it further enacted*, That all the special taxes heretofore provided for by the Legislature to be levied and assessed against the real and personal property in the city of Memphis are hereby abolished, and all Acts providing for the same are hereby repealed.

Special tax.

SEC. 47. *Be it further enacted*, That the said Board of Commissioners of the city of Memphis shall have the power by ordinance at any regular meeting to levy and collect a general ad valorem tax upon all real and personal property in the city of Memphis not to exceed \$2 on every \$100 assessed value for all purposes; and it is *further provided* [that] out of said levy the said Board of Commissioners shall each year collect and pay to the School Commissioner of the city of Memphis twenty-five cents on every one hundred dollars of assessed value; to the Park Commissioner of the city of Memphis, twenty cents on every one hundred dollars of assessed value; and to the Cossitt Library, three cents on every one hundred dollars of assessed value.

Ad valorem  
tax.

Election—date  
of.

SEC. 48. *Be it further enacted*, That the next regular election by the people to fill municipal offices shall take place on the first Tuesday after the first Monday in November, 1909, and thereafter every four years on the corresponding day for the same purpose. At said election in November, 1909, there shall be elected a Mayor. At subsequent elections there shall be elected the Mayor and four Commissioners and the City Assessor.

Assistant City  
Attorney.

SEC. 49. *Be it further enacted*, That there shall be a subordinate officer to be known as Assistant City Attorney who shall be selected by the City Attorney by and with the consent of the Board of Commissioners, who shall receive an annual salary of \$1,200, payable monthly. He shall hold office at the will of the City Attorney.

SEC. 50. *Be it further enacted*, That all Commissioners and elective officers hereunder shall be exempt from jury service and military duty.

SEC. 51. *Be it further enacted*, That the word "Commissioner," or "Commissioners," as used in this Act, shall be construed as embracing the Mayor, unless the contrary is plainly indicated.

SEC. 52. *Be it further enacted*, That all Acts and parts of Acts constituting the present charter of the city of Memphis not in conflict with this amendatory Act be, and the same are, continued in full force and effect.

SEC. 53. *Be it further enacted*, That this Act shall take effect for all purposes of election and qualification of the officers herein provided for from and after its passage and for all other purposes on January 1, 1910.

Passed February 2, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 12, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 44.

### SENATE BILL No. 72.

(By Messrs. Huffaker and Cooper, by request.)

AN ACT entitled An Act to amend Subsection 6 of Section 9 of Chapter 602 of the Acts of 1907, being an Act entitled "An Act to provide more just and equitable laws for the assessment and collection of revenue for State, county, and municipal purposes; and to repeal all laws in conflict with this Act, whereby revenue is collected from the assessment of real estate, personal property, privileges, and polls," so as to provide for such clerical help throughout the year as may, in the judgment of the Assessor, be necessary to keep such record of the work of his office during the year as will materially aid in a just and equitable future assessment of real estate, personal property, privileges, and polls, and to repeal all laws or parts of laws in conflict with the provisions of this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Subsection 6 of Section 9 of Chapter 602 of the Acts of 1907, being an Act entitled "An Act to provide more just and equitable laws for the assessment and collection of revenue for State, county, and municipal purposes; and to repeal all laws in conflict with this Act, whereby revenue is collected from the assessment of real estate, personal property, privileges, and polls," be, and the same is hereby, amended by adding to Subsection 6 of Section 9 of Chapter 602 of the Acts of 1907, the following:

"*Provided*, that Assessors may designate one or more Deputy Assessors to assist throughout the year in such clerical work in the Assessor's office as may in the judgment of the Assessor be necessary to keep such record of the work of the office during the year as will materially aid in a just and equitable future assessment of real estate, personal property, privileges, and polls, such Deputy Assessors working as clerks in the office of the Assessor to be paid in the same manner as Deputy Assessors engaged in the work of actual assessments; *provided, further*, that the total compensation of Deputy Assessors acting as such clerks in the Assessor's office throughout the year, and Deputy Assessors engaged in the

Deputy  
Assessors.

actual assessment of real estate, personal property, privileges, and polls shall not exceed the total as now fixed by law as an allowance for deputy hire for each year."

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 3, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 12, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 45.

### SENATE BILL No. 84.

(By Mr. McKay et al.)

AN ACT to enable the town of Lenox, in Shelby County, Tenn., to issue bonds for the purpose of building, erecting, and furnishing a new public-school building, and purchasing a site upon which to erect said school building.

Bonds—  
amount of.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the town of Lenox, in Shelby County, Tenn., are hereby authorized and empowered to issue and sell negotiable interest-bearing bonds, with coupons attached, to the amount of fifty thousand dollars (\$50,000), or such part thereof as they shall find necessary for the purpose of purchasing land and erecting and furnishing a public-school building thereon in said town.

SEC. 2. *Be it further enacted*, That said bonds and

coupons attached shall be issued on the order of [the] Mayor and Aldermen of said town, and shall be signed by the Mayor and Secretary of said Board of Mayor and Aldermen, and be attested by the seal of the town. The said bonds shall be issued in such denomination as the Mayor and Aldermen may desire and order, and said bonds shall mature in not less than ten nor more than twenty years, as may be determined by the Board of Mayor and Aldermen of said town prior to the issuance of said bonds by said Board of Mayor and Aldermen. Said bonds and interest shall be payable in lawful money of the United States of America. Said bonds shall bear a rate of interest not exceeding five (5) per cent per annum, payable annually, at the office of the Treasurer of said town of Lenox, Shelby County, Tenn. The Board of Mayor and Aldermen shall provide by ordinance for the sale of said bonds, but no commission shall be allowed any one for the sale of said bonds.

How issued  
and denomi-  
nation.

SEC. 3. *Be it further enacted*, That upon the issuance of the bonds under this Act the Treasurer of said town shall receive and receipt for the same, and retain the custody of said bonds, pending the sale and delivery of the same to the purchaser or purchasers. After the said bonds shall have been sold, the proceeds arising from the sale of said bonds shall be placed with the said Treasurer of the said town as a separate fund, to be used only for the purposes set out in this Act. Said sum shall be paid out by him as hereinafter directed and set out; and the Treasurer of said town shall be required to enter into a special bond, payable to the Board of Mayor and Aldermen of the town of Lenox, Shelby County, Tenn., in double the amount of said bond issue, for the faithful handling, safe-keeping, properly paying over, and accounting for said funds, the said Treasurer to receive a commission of one-fourth ( $\frac{1}{4}$ ) of one (1) per cent for his services.

Treasurer to  
hold bonds  
and deliver  
same.

SEC. 4. *Be it further enacted*, That none of the proceeds arising from the sale of said bonds shall be used for any other purpose other than for the purchasing of land for school purposes and the erection and furnishing of a public school in said town.

Bonds—how  
issued.

SEC. 5. *Be it further enacted*, That whenever by the sale of said bonds the Board of Mayor and Al-

Building  
Committee.

dermen of said town are enabled to begin and prosecute said work of erecting said public-school building, the Mayor shall appoint three discreet and capable voters and freeholders of said corporation as a Building Committee; and said committee will be authorized to draw by its order, signed by any two of them, upon the Treasurer of said town of Lenox, Shelby County, Tenn., for money to pay the expense of such purchase of land, or the erecting of said building, or the furnishing of said public-school building as said work progresses and as may be incurred by them by any contract they may make, and said Building Committee may employ an architect and such other assistance as may be necessary to determine the extent and character of said building and furnishings; but they will in no event contract or agree to do any work or enter upon any system which will require a greater expenditure than the proceeds arising from the sale of said bonds. *Provided, further,* that no member of said Board of Mayor and Aldermen shall be a member of said Building Committee, and said Building Committee shall not receive any compensation for its services, except such actual expenses as they may incur by way of correspondence or traveling expenses incident to their employment.

To keep  
record.

SEC. 6. *Be it further enacted,* That said Building Committee and said Town Treasurer shall keep strict accounts of all the expenditures of said funds, and shall settle and balance their accounts once each month, and present the same to said Board of Mayor and Aldermen, who shall, if they find the same correct, spread such settlement upon the minutes and records of the Board of Mayor and Aldermen.

Special tax.

SEC. 7. *Be it further enacted,* That after the issuance of said bonds the Board of Mayor and Aldermen of the town of Lenox, Shelby County, Tenn., are hereby authorized and empowered to levy and collect annually a special tax not exceeding fifty (50) cents on the one hundred dollars (\$100) on the assessed valuation upon all taxable property in said town for the purpose of paying the interest on said bonds and create a sinking fund with which to pay off and redeem the bonds therein authorized to be issued.

SEC. 8. *Be it further enacted,* That the bond tax

shall be collected and paid over to the Treasurer of the said town as other taxes, and shall be paid out by said Treasurer when due interest coupons or bonds are presented to him for payment, or when ordered by the Board of Mayor and Aldermen to pay the same on said coupons or bonds. Said bonds and coupons, when taken up by said Treasurer, shall be his voucher to the Board of Mayor and Aldermen, and the same shall be canceled when taken up. Bond tax.

SEC. 9. *Be it further enacted*, That the Secretary of said town of Lenox, Shelby County, Tenn., shall keep a well-bound book, on which he shall keep the date of issue and number and amount of each coupon, and when due; and when any bond or coupon shall have been paid and canceled, the Secretary shall enter the same on said book, stating the date same was paid and canceled. Secretary to keep record of coupons.

SEC. 10. *Be it further enacted*, That the Board of Mayor and Aldermen of the town of Lenox, Shelby County, Tenn., shall not have power and authority to sell any bonds issued under this Act for less than their face value for each, and that all Acts and parts of Acts in conflict with this Act be, and the same is hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 4, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 11, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 46.

### SENATE BILL No. 101.

(By Mr. Hord.)

**AN ACT to change the county line between Rutherford and Williamson Counties.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between the counties of Rutherford and Williamson be so changed as to detach the lands of W. I. Cate from the county of Williamson and attach the same to Rutherford County.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 5, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 12, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 47.

### SENATE BILL No. 123.

(By Messrs. Howse and Matthews.)

A BILL to be entitled An Act to be entitled An Act to amend an Act entitled An Act to amend an Act entitled An Act to provide for the creation and organization and defining the power of municipal corporations embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished, being Chapter 114, Acts of 1883, and to repeal Sections 3, 7, 8, 9, 26, and 33 of said Chapter 114 of the Acts of 1883; and to repeal Sections 1 and 2 of Chapter 127 of the Acts of 1893, entitled An Act to amend Chapter 114 of the Acts of 1883, entitled An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards according to the Federal census of 1880; and to repeal Chapter 159 of the Acts of the General Assembly of 1891, being an Act entitled An Act to amend an Act to amend an Act entitled An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished, passed by the General Assembly of the State of Tennessee, March 21, 1883, and approved by the Governor, March 27, 1883, so as to provide for the eligibility of persons residing in the territory recently annexed to said municipal corporation to the office of Mayor and Councilmen; and to repeal Section 3 of Chapter 8 of the Acts of the General Assembly of 1893, entitled An Act to amend Chapter 114 of the Acts of the Assembly of 1883, entitled An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished, by providing for a Board of Education and fixing its powers and duties, passed by the General Assembly of the State of Tennessee, April 5, 1899, and approved by the Governor, April 12, 1899, so as to eliminate that provision of the sinking fund which requires that only bonds subject to call shall be retired, and at par, and that the balance in the treasury at the close of business on December 31 of each year shall be transferred to the sinking fund; the elimination of that clause which prohibits the council from passing a bill at any other than a regular meeting; the permission to embrace in the budget for any year the proceeds of bonds sold, even though it exceeds to this extent, the actual collections for the preceding year; the granting to citizens of Davidson County the right to vote in city elections where they have owned property in the city for more than one year; and the changing of the name of the Board of Police and Fire Commissioners to that of "Civil Service Commissioners;" and placing the employees of the Waterworks and Lighting Departments of the city, except common laborers, under the supervision of said Commission,

as to punishment and discharge for cause, passed March 28, 1901, and approved April 3, 1901, so as to place the Inspector of Marketing under the supervision of said Commission as to punishment and discharge for cause.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* Section 10 of Chapter 26 of the Acts of 1901, passed March 28, 1901, and approved April 3, 1901, be amended by adding thereto the following:

*"Provided, further, That* the duty and authority above conferred upon the Board of Civil Service Commissioners with reference to the Police, Fire, Waterworks, and Lighting Departments be, and the same is hereby, extended so as to include and embrace the office of Inspector of Marketing, and that said officer be placed under the supervision of said Board as to punishment and discharge for cause; that said officer shall not be punished or dismissed from office except after a trial and conviction by said Board in the form and manner and under the method of procedure above provided; and the said Board shall notify the Board of Public Works of any dismissal from office, and the Board of Public Works shall thereupon appoint some other suitable person to fill said vacancy."

SEC. 2. *Be it further enacted, That* this Act take effect from and after its passage, the public welfare requiring it.

Passed February 5, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 11, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 48.

### SENATE BILL No. 127.

(By Mr. Neal et al.)

AN ACT to amend the charter of the University of Tennessee, being the original incorporating Act, and all acts amendatory thereof, by providing for a reorganization of the Board of Trustees of said institution, limiting the terms of the members of the present Board, providing for the appointment of their successors, fixing their number, terms, duties, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the University of Tennessee, being the original Act passed October 26, 1807, entitled "An Act to establish a college in East Tennessee," an amendatory Act passed December 3, 1807, providing for appointment of Trustees, being Chapter 78, Acts of 1807; an Act passed January 29, 1840, changing the name to "Trustees of East Tennessee University;" also an Act passed March 10, 1879, being Chapter 75 of Acts of 1879, by which the name was changed to "The University of Tennessee," and all other Acts amendatory of the original Act be, and the same are hereby, amended as follows:

"The governing body, being the Board of Trustees, shall be changed and reorganized as follows: The Board shall consist of two members to be appointed from the city of Knoxville, and one member to be appointed from each Congressional District in the State, making twelve members as the State is now apportioned, and the Governor, Superintendent of Public Instruction, Commissioner of Agriculture, and the President of the University, who shall be ex-officio members of said Board of Trustees. Seven members of the Board shall constitute a quorum and be authorized to act and legally bind said institution. In order to provide for the change from the old to the new Constitution of the Board of Trustees with as little disturbance in the management of the University as possible, the Board of Trustees of the University as now constituted shall, within thirty

Board of  
Trustees.

days after the passage of this Act, hold a meeting, after due written notice to each member of said Board stating fully the objects of said meeting, and at said meeting the Board shall proceed to select from its number two members resident in the city of Knoxville, and one member from each of the ten Congressional Districts of the State as now subdivided, making twelve in all. In making these selections, in order to continue the nonpartisan character of the Board and to secure the advantages of alumni representation on it, the members of the present Board are instructed to take effectual care that at least one-third of the persons selected shall be members of the principal opposition political party to that now in control of the State government, and that at least one-third of the persons selected shall be alumni of the University. The twelve persons thus selected, together with the ex-officio members above named, shall constitute the Board of Trustees of the University under this Act, the other members not selected retiring immediately. At the same meeting the selected members present at such meeting (*provided*, they shall constitute a quorum of seven, as above provided, or otherwise at an adjourned meeting called for the purpose, and at which not less than seven are present) shall proceed to arrange the new membership into six groups as follows: Two members to serve until July 1, 1909; two members to serve until July 1, 1911; two members to serve until July 1, 1913; two members to serve until July 1, 1915; two members to serve until July 1, 1917; and two members to serve until July 1, 1919; but any member of the Board shall be eligible to reappointment as provided for below. As vacancies occur in the Board of Trustees of the University as thus reconstituted, it shall be the duty of the Governor to appoint, subject to confirmation by the Senate, suitable persons to fill the vacancies. During the regular session of each General Assembly, including the present Assembly, the Governor shall appoint, with the same consideration for the nonpartisan character of the Board and for the alumni representation thereon above required, and subject to confirmation by the Senate, two Trustees, to fill the places of the two Trustees whose terms expire on the following first day of July; and all Trustees

so appointed shall serve for the term of twelve years, and shall be eligible to reappointment. In all cases of vacancies by death, resignation, removal, or otherwise, the Governor shall appoint Trustees to fill the unexpired term; but all appointments shall be subject to confirmation by the Senate. They shall, however, be effective until adversely acted upon by the Senate."

SEC. 2. *Be it further enacted*, That the removal of any Trustees from the city or Congressional District which he represents shall ipso facto vacate his position, and the failure of any Trustee to attend three regular meetings of the Board in succession shall be cause for his removal, and shall authorize the Board to declare his position vacant and to call on the Governor to appoint his successor.

Removal of Trustees.

SEC. 3. *Be it further enacted*, That the Board of Trustees of said University shall hold one stated meeting annually on such day or days as may be determined by the Board from year to year; but the Board may adjourn such stated meeting to any date that they may set for such adjournment. The Board may appoint an Executive Committee of five members, which may meet as often as necessary, and which shall have full power to transact all business of the Board specifically committed to it, and any other necessary business in harmony with the general policy of the Board made and determined at stated meetings. Four members shall constitute a quorum of the Executive Committee. The Board may appoint such other committees for the transaction of business as it may deem advisable.

Meeting of Board.

SEC. 4. *Be it further enacted*, That it shall be unlawful for any member of the Board of Trustees to be financially interested in any contract or transaction affecting the interest of the University, or to procure, or be a party in any way to procuring, the appointment of any relative to any position of trust or profit connected with the University, and the violation of this provision shall subject the member so offending to removal by the Governor or Board of Trustees.

Trustees not to be interested in contracts.

SEC. 5. *Be it further enacted*, That hereafter the offices of Treasurer and Secretary of the University may be held by persons who are not members of the

Treasurer and Secretary.

Board of Trustees; *provided*, that the Treasurer shall be bonded to an amount approved by the Board of Trustees and the Governor of the State. It shall be lawful, however, for the offices of Treasurer and Secretary to be held by members of the Board of Trustees, who in such event shall be suitably compensated for their services at the discretion of the Board. The offices of Treasurer and Secretary may be held by one person if so ordered by the Board of Trustees.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 3, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 12, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 49.

### SENATE BILL No. 132.

(By Mr. Kimbrough.)

AN ACT to amend an Act entitled An Act to be entitled An Act to regulate the working and laying out of public roads in counties having a population of not less than 29,250 nor more than 29,300 according to the Federal census of 1900 or any subsequent Federal census, passed April 4, 1907, and approved April 11, 1907, being Chapter 323 of the published Acts of 1907.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of said Act be, and the same is hereby, amended so as to read as follows: "That it shall be the duty of the Quarterly County Court at its January term, 1907, and

every two years thereafter to elect two Road Commissioners, who shall hold their offices for the term of two years, and until their successors are elected and qualified."

SEC. 2. *Be it further enacted*, That Section 2 of said Act be, and the same is hereby, amended so as to read as follows: "That should any Commissioner so elected fail to qualify within ten days after his election, it shall be the duty of the County Judge to appoint a Commissioner, who, when so appointed and qualified, shall hold his office until the next regular election by said Quarterly Court for said office. Each Commissioner shall enter into bond before the County Court in the penal sum of three thousand dollars, payable to the State of Tennessee, and conditioned for the faithful performance of the duties of his said office, and for the accounting for all moneys that may come into his hands by virtue of said office, and shall also take and subscribe to an oath before the County Court Clerk for the faithful discharge of the duties of his said office."

County Judge  
to appoint—  
when.

SEC. 3. *Be it further enacted*, That Section 3 of said Act be, and the same is hereby, amended so as to read as follows: Insert after the words "third-class roads," in line nine, the following, "and fourth-class." Also by inserting after the words "sixteen feet between the ditches" the following, "and fourth-class roads shall be twelve feet between the ditches."

Class of roads.

SEC. 4. *Be it further enacted*, That Section 4 of said Act be, and the same is hereby, amended so as to read as follows: "That all applications to open, change, or close a public road shall be by petition addressed to the Road Commissioners, giving the beginning and ending points and general direction of the road. Upon receipt of such petition the Commissioners shall give at least ten days' written notice to all persons whose lands are touched by such proposed road, such notice to be served by an officer upon the landowner or his agent, if resident in the county; and if neither the owner or his agent reside in the county, then by publication in a newspaper published in the county for four weeks, and also to the person whose name first appears on the petition of the time when, and the place where, they will meet to take action on the proposed road; and if neces-

Applications to  
open.

To employ  
surveyor.

sary, the Commissioners may employ a competent surveyor to act with them, whose fees shall be paid by the warrant of the Commissioners on the road fund of the district or districts in which such road is situated. The Road Commissioners shall report their action in each and every instance of opening, changing, or closing roads to the next term of the Quarterly Court for confirmation or rejection, and shall file with their report the petition, notice, and any other papers in their possession touching the matter, at least two days before the first day of the term, unless their action was taken within less than ten days of the beginning of said term, in which case they shall file said report and papers immediately. Any person aggrieved by the action of the Commissioners may contest the confirmation of the action of the Commissioners by executing bond for costs and damages in the penalty of \$250, payable to the State of Tennessee, for the use of the county. The said Quarterly County Court shall hear and determine the whole matter, and shall make such order as to the opening, changing, or closing the road as to them may seem right and proper. Any person aggrieved by the action of said Quarterly Court may appeal to the next term of the Circuit Court, and from there to the higher courts upon giving bond, with sufficient sureties, the penalty of such bond to be fixed by the court from which the appeal is taken."

Who liable to  
road duty.

SEC. 5. *Be it further enacted*, That Section 7 of said Act be amended so as to read as follows: "That all male persons over the age of twenty-one years and under the age of fifty years, except those living within the limits of incorporated towns, and such as are permanently disabled for the performance of manual labor and are released from labor on the roads by the Quarterly County Court, shall work on the public roads not less than eight days in each and every year, on one day's personal or written notice given by the contractor or overseer of the time when and the place where work is to be begun, and may be warned to work from day to day. Any road hand so notified to work may be exempt from work on the roads by paying to either of the Commissioners the sum of fifty cents for each day he is notified to work; or if the contractor has been allowed the commuta-

tion money arising from hands within the bounds of his contract as part of his compensation for working and keeping in repair the roads under his contract with the Road Commissioners, such contractor shall have the right to collect and receive said sum of fifty cents per day from such of his hands as may choose to pay the same in lieu of working on the roads."

SEC. 6. *Be it further enacted*, That Section 8 of Special tax. said Act be so amended as to read as follows: "That the County Court at its April quarterly term after the passage of this Act and each subsequent year thereafter shall levy a tax for highway purposes, to be not less than twenty cents nor more than fifty cents on each one hundred dollars of taxable property as shown by the County or District Assessor, and all taxes assessed, levied, and collected under the provisions of this Act shall be used in maintaining highways and bridges in the civil district in which such assessment is made, and all such tax shall be paid in money. Each civil district is for the purposes of the Act declared to be a road district."

SEC. 7. *Be it further enacted*, That Section 11 of Penalty. said Act be, and the same is hereby, so amended as to read as follows: "That any person subject to road duty who shall fail or refuse to work or commute as heretofore provided for such work, when properly notified, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one dollar nor more than five dollars for each day he is notified to work, together with all costs, and upon failure to pay or secure said fine and costs such person shall be committed by the court or Justice of the Peace trying the case to the county jail or workhouse, as now provided by law in case of misdemeanors; *provided, however*, that any road hand or persons subject to road duty when arrested for a violation of this Act and carried before a Justice of the Peace, may, if he so desires, submit his case under the small offense law, and the Justice of the Peace shall have and exercise jurisdiction to impose a fine and enforce the collection thereof under said small offense law. All fines, when collected, shall be paid over to the Road Commissioners, who shall pay the same to the County Trustee, with all other money by them collected for road purposes,

and the Trustee shall place all money paid to him by said Commissioners to the credit of the district from which it is collected."

Time of working roads.

SEC. 8. *Be it further enacted*, That Section 13 of said Act be, and the same is hereby, so amended as to read as follows: "That all public roads shall be worked by the contractors between the first day of February and the first day of October of each year, and between the first day of October and the last day of January the contractors shall do any repair work necessary, and they shall at all seasons of the year keep their roads in good condition for public travel."

SEC. 9. *Be it further enacted*, That Section 17 of said Act be, and the same is hereby, amended by adding after the words "counted in any twenty-four," the following: "Any road hand failing to do full work on the roads when in attendance in pursuance of notice to work may be dismissed by the contractor or overseer and punished, in case of conviction, in like manner as if he had failed to appear or commute."

SEC. 10. *Be it further enacted*, That Section 24 of said Act be, and the same is hereby, amended so as to add after the words "in which the offense is committed," in said section, the following: "For incompetency or neglect of duty any Road Commissioner may be removed from office by the Quarterly County Court upon ten days' written notice, accompanied by a copy of the charges filed against him, certified to by the County Court Clerk."

To appoint overseers—when.

SEC. 11. *Be it further enacted*, That Section 27 of said Act be, and the same is so hereby, amended as to read as follows: "That the Road Commissioners, where no suitable bids are received for working of the public roads of any district, shall appoint overseers and assign the hands in such district, and expend the road funds of such district, whether derived from taxes, fines, or commutation, for the road hands in working and keeping in repair the roads and bridges in such district in the same manner as herein provided as to contractors. Such overseers, when so appointed, shall be required to put in as many days without compensation as herein provided as to road hands, after which they shall be paid the sum of one dollar per day for each day necessarily



expended by them in keeping their sections of road in proper condition, to be paid by the warrant of the Road Commissioners upon the road funds of such districts, and shall be subject to the same penalties as herein provided for contractors."

SEC. 12. *Be it further enacted*, That said Act be amended by adding the following: "This Act shall apply to counties in this State having a population of not less than 29,250 and not more than 29,300 according to the Federal census of 1900 or any subsequent Federal census."

SEC. 13. *Be it further enacted*, That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 5, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 11, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 50.

### SENATE BILL No. 142.

(By Dr. McRee.)

AN ACT to be entitled An Act to regulate the laying out and working of public roads in counties having a population of not less than seven thousand three hundred and sixty (7,360) and not more than seven thousand three hundred and eighty (7,380) according to the Federal census of 1900.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Quarterly Court of said county or counties at its April term, 1909, or at any called meeting thereafter, to elect a Road Commissioner for said

Road Commissioner—how elected, etc.

county, who shall hold his office until January 1, 1911, and at the next regular election for county officers in August, 1910, a Road Commissioner shall be elected by the qualified voters of said counties, who shall hold his office for the term of two years from January 1, 1911, succeeding said election, and thereafter every two years at the regular election in August a Commissioner for said county shall be elected.

To qualify—  
when.

SEC. 2. *Be it further enacted*, That should any Commissioner fail to qualify within thirty days after his said election, it shall be the duty of the Judge or Chairman of the County Court of said county to appoint a Commissioner for said county.

Commissioner  
to give bond.

SEC. 3. *Be it further enacted*, That the Commissioner so elected as provided in the foregoing sections shall enter into bond before the Chairman of the County Court in the penal sum of twenty-five hundred dollars (\$2,500), payable to the State of Tennessee, and conditioned for the faithful performance of his duties and for the accounting to the County Court of said county for all money that may come into his hands by virtue of his office, and said Commissioner may be dismissed from his said office by the Quarterly Court of said county for incompetence or for failure to discharge the duties of his said office.

Commission-  
ers' duties.

SEC. 4. *Be it further enacted*, That said Commissioner shall have supervision of all the public roads in said county, and shall lay them out and classify them as first, second, third, and fourth-class roads. Roads of the first class shall be forty (40) feet wide from the center of the ditches; second class, thirty (30) feet wide between the ditches; third class, twenty feet wide between ditches; and fourth class, fifteen (15) feet between ditches—the measurement of said roads from the center of the ditch on one side to center of ditch on the other side. The said Commissioner shall have entire supervision of all culverts and bridges on the said roads not over twenty-five feet in length, and shall cause same to be built and kept in repair out of the road fund for said district in which said bridge or culvert is located. Said Commissioner shall also assign the hands to work on the public road, but shall not assign any hand to work except in the district in which said hand resides. Said Commissioner shall keep a well-

bound book in which he shall keep a record of the public roads laid out and established in said county, and also a record of the hands and the roads to which said hands are assigned.

SEC. 5. *Be it further enacted*, That all applications Applications to open and close roads. to open, close, or change a road shall be made to the Road Commissioner by petition, who shall give all interested landholders on the line of said proposed road ten days' notice of the date on which he will inspect said road, and he may employ a surveyor, if necessary, to locate same. Said Commissioner shall have power after having given said notice to condemn land for the purpose of laying out new roads or widening old roads, and shall assess the damages which in his judgment should be assessed in favor of the owner or owners of the land so condemned, and such finding he shall report in writing to the next Quarterly Court of said county, which shall approve said report or reject same; and in case the said finding of the Commissioner is approved, the said damages shall be paid by the county, and in case any person is dissatisfied with the action of the Quarterly Court he may appeal to the Circuit Court, upon giving bond for all costs and damages; *provided*, he perfects his appeal within five days from the date of the order of said Quarterly Court. In case any landowner affected by the proposed new road or by a change in the old road is a nonresident of the county, notice served on his agent or tenant shall be sufficient notice; or if he has no agent or tenant, then the Commissioner shall mail notice to said party, keeping copy of same, and indorsing thereon the date of mailing same.

SEC. 6. *Be it further enacted*, That the Commissioner shall let out to the lowest responsible bidder, To let contracts. with privilege to reject any and all bids, the working of the public roads in each civil district to one or more contractors for the term of one year, and said contractor shall enter into bond, with good and sufficient security, in the penal sum of double the amount of his contract, payable to the State of Tennessee, conditioned for the faithful compliance with his contract.

SEC. 7. *Be it further enacted*, That all roads shall How graded. be graded, with one and one-half inch to the foot fall, from the center to each side, and they shall be

ditched on each side, so as to properly drain them, and such ditches shall be kept open by the contractors throughout the year.

Who liable for  
road duty.

SEC. 8. *Be it further enacted*, That all male inhabitants over eighteen and under fifty years of age, except those living within the bounds of an incorporated town and such as are permanently disabled from performing manual labor and are released by the Commissioner on a release from the Quarterly Court, shall work on the public roads each year not less than six days on three days' personal or written notice from the contractor of the time and place to begin work, and any hand so notified may be exempt from work on the road by paying the Commissioner of the district one dollar per day for each day he is notified to work. The Commissioner shall bring suit before any Justice of the Peace of said county against all persons subject to highway labor in the county who, on being properly notified by the contractor as hereinbefore provided, shall fail or refuse to work or commute as heretofore provided, and, upon conviction, shall be fined not less than one dollar per day for each day he is notified to work, together with the costs of the suit, said fine to be paid to the Commissioner, who shall pay same into the county treasury, to be expended as other funds in work on the public roads.

Special tax.

SEC. 9. *Be it further enacted*, That the County Court at a quarterly term shall levy a tax for highway purposes of not less than fifteen cents on the hundred dollars of taxable property as shown by the County Assessor's books, and on privileges not less than five cents, all such taxes to be collected and paid into the County Trustee, to be used in maintaining the public roads of the county, not less than two-thirds of the taxes collected in each district to be used in said district, the other third to go into a general fund to be used in districts in which the taxes levied is not sufficient to keep the public roads of that district in repair. That said taxes shall be collected by the Trustee of the county as are the other taxes, except the taxes on privileges, which shall be collected by the County Court Clerk. That the Trustee shall be allowed the same commission as now allowed by law for the collection of other taxes, and he shall account to the Chairman of the County Court

for all road taxes collected and paid out by him in the same manner that he is now required by law to do in other taxes.

SEC. 10. *Be it further enacted*, That the Commissioner shall furnish to the County Court Clerk a full description of each road in the county, with the classification of same, which description shall be recorded by the Clerk in a well-bound book, to be known as the "Public Road Record," and kept in his office as other public records, and the Clerk shall receive a fee of fifty cents, to be paid by the county, for entering on said record a description of each road.

Public road record.

SEC. 11. *Be it further enacted*, That all public roads shall be worked by the contractors between the first of April and the fifteenth of October each year, and no work shall be done before or after those dates, except in cases of needed repairs.

Time of working roads.

SEC. 12. *Be it further enacted*, That the Road Commissioner at the end of each month inspect the work done by the contractors during said month, and shall issue to him a warrant on the County Trustee for an amount not exceeding the actual cost of such work; and no work shall be paid for until the same has been inspected and approved by the Commissioner, and said warrant shall be paid by the County Trustee after the same has been countersigned by the Chairman of the County Court.

To inspect roads and pay contractors.

SEC. 13. *Be it further enacted*, That a day's work, in the meaning of this Act, shall be eight hours of actual service, and no more than ten hours shall be counted in any twenty-four.

Eight hours a day's work.

SEC. 14. *Be it further enacted*, That in building bridges and culverts under twenty-five feet in length, the work shall be done by the contractor under his contract, but the material shall be furnished to him by the Road Commissioner, who shall pay for same out of the road fund of the district.

Bridges and culverts.

SEC. 15. *Be it further enacted*, That the County Court Clerk shall procure for and furnish to the Road Commissioner all necessary books and blanks to be used in his office, which shall be paid for out of the county treasury as for other stationery for the county.

Books and blanks.

SEC. 16. *Be it further enacted*, That any contractor who shall fail to comply with his contract shall be

Penalty for  
violating  
contract.

subject to indictment or presentment by the grand jury of the county, and, on conviction, shall be fined not less than twenty-five nor more than fifty dollars for each offense, which fine shall go to the road fund of the district in which the offense is committed.

Commissioner  
liable.

SEC. 17. *Be it further enacted*, That the Road Commissioner shall be liable to indictment or presentment for failing to perform any of the duties incumbent on him under this Act, or for showing partiality in the performance of said duties, and, on conviction, shall be fined not less than twenty-five dollars, which fine shall go to the general road fund of the county.

Salary of Com-  
missioner.

SEC. 18. *Be it further enacted*, That said Commissioner shall be paid five hundred dollars per annum for his services, to be paid on the warrant of the Chairman of the County Court out of the road funds of the county.

Penalty for ob-  
structing  
road.

SEC. 19. *Be it further enacted*, That any person who shall put or cause to be put any obstruction in any of the public roads of said county as laid out and designated by the Commissioner, or in any private road, shall be subject to indictment and presentment by the grand jury of said county, and, on conviction, shall be fined not less than five dollars and not more than ten dollars for each offense, which said fine shall go to the road fund of the district in which the offense was committed, and no property shall be exempt from such fine and costs, and no property shall be exempt from any fine and costs for failing to work the road on the notice of the contractor.

SEC. 20. *Be it further enacted*, That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 5, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 11, 1909.

MALCOLM R. PATTERSON,  
*Governor*

## CHAPTER 51.

### SENATE BILL No. 163.

(By Mr. Mansfield.)

AN ACT to amend the charter of the city of Cleveland, in Bradley County, Tenn., so as to authorize said city to build or purchase a system of waterworks, and to compromise and settle certain claims against said city for water and lights already used; also to authorize said city to issue and sell its interest-bearing bonds in an amount not exceeding the sum of sixty thousand dollars (\$60,000) to provide funds to pay the cost or purchase price for said system of waterworks and to settle the said claims against the said city; and also to pay for additions, extensions, and improvements of said system of waterworks, after the contract to acquire the same and to compromise and settle said claims, together with the issuance of said bonds, has been approved by a majority of the voters of said city voting in an election to be called for that purpose; also to authorize said city to levy and collect special taxes to pay the interest on said bonds, and to provide a sinking fund to retire or pay said bonded indebtedness; and to authorize said city to elect Interest and Sinking Fund Commissioners to manage and control said sinking fund; also to authorize said city to operate said plant or system of waterworks, or to rent, lease, or sell the same in case the sale of said property or a lease of same for a term of more than five years is hereafter approved by a majority of the voters of said city voting in an election authorized to be called for the purpose of submitting the question as to its sale or lease for more than five years of said property to the voters of said city for approval or rejection.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the city of Cleveland, in Bradley County, Tenn., be, and the same is hereby, amended so as to provide as follows—to wit:

The said city of Cleveland is authorized and empowered to enter into a contract by and through its Board of Mayor and Aldermen to build or purchase a water plant or system of waterworks for the purpose of supplying said city and the inhabitants thereof and others with water for fire, domestic, and all other purposes; and in case a contract is made to purchase a plant or system of waterworks as aforesaid, said contract may include the compromise or settlement of any or all claims or judgments against said city for water and lights already furnished to said city.

Bonds— amount of.	Said city of Cleveland is also authorized and empowered to obtain or provide funds to acquire said plant or system of waterworks and to settle said claims against the city, and to pay for additions, extensions, and improvements of the plant or system of waterworks acquired as aforesaid by the issuance and sale of its interest-bearing bonds in such an amount as the Board of Mayor and Aldermen of said city may fix, the same not to exceed, however, in the aggregate, exclusive of interest, the sum of sixty thousand dollars (\$60,000). Said bonds shall be executed in denominations of one thousand dollars (\$1,000), shall be payable to bearer, and shall be signed in the name of the city by the Mayor and attested by the City Recorder, with the seal of the city follows:
Series.	Five thousand dollars, in five years, from the date of issuance.
	Five thousand dollars, in ten years, from the date of issuance.
	Ten thousand dollars, in fifteen years, from the date of issuance.
	Ten thousand dollars, in twenty years, from the date of issuance.
	Ten thousand dollars, in twenty-five years, from the date of issuance.
	Ten thousand dollars, in thirty years, from the date of issuance.
	Ten thousand dollars, in thirty-five years, from the date of issuance.
Interest—rate of.	All of said bonds shall bear interest from date at such rate as said Board of Mayor and Aldermen may fix, not exceeding the rate of five per cent per annum, and said interest will be due and payable annually, with interest coupons attached, and said principal sum and interest will be payable in lawful money of the United States of America at the Importers' and Traders' National Bank, in New York City, New York.
Bonds—sale of.	Said bonds shall be sold for cash at not less than par and accrued interest, and said city, through said Board of Mayor and Aldermen, is authorized to sell the same as a whole or in such lots and at such times as said Board of Mayor and Aldermen may prescribe; and the proceeds shall be used solely in payment of said bonds.



ing the cost or purchase price of said plant or system of waterworks, including the amount paid in settlement and compromise of said existing claims and judgments against said city in case the compromise and settlement of said claims is included in the contract for the purchase of said plant or system of waterworks, and in paying for such extensions, additions, and improvements of said plant or system of waterworks as said Board of Mayor and Aldermen may deem proper and advisable; *provided, however*, that before the contract to acquire said plant or system of waterworks and to settle said existing claims and the resolution or order of said Board of Mayor and Aldermen to issue said bonds shall be valid and binding, the terms of said proposed contract and the order authorizing the issuance of said bonds shall be entered of record on the minutes or record book of said Board of Mayor and Aldermen, and the same shall be submitted to the voters of said city for approval or rejection as hereinafter set out at a special election to be called for that purpose; and the Election Commissioners of Bradley County are authorized and directed to proceed as soon as practicable after the terms of said proposed contract and order have been entered of record on the minute book of said Board of Mayor and Aldermen to call a special election for said purpose by giving notice by advertisement for four consecutive weeks in one or more newspaper published at Cleveland, Tenn., of the time, place, and purpose of said election, the first of said advertisements to be published not less than thirty days or more than forty days before the day of said election, and said notice shall contain the terms, in a general way, of said proposed contract and order authorizing the issuance of said bonds, as spread of record on the minutes of said Board of Mayor and Aldermen; and said further Election Commissioners are further authorized and directed to furnish tickets to be used in said election in accordance with existing laws, and upon which tickets shall be printed, first, "For the Proposed Contract and Issuance of Bonds," and, second, "Against the Proposed Contract and Issuance of Bonds;" and voters shall mark their ballots as provided by law, and all voters qualified to vote for Mayor and Aldermen in said city may vote in said

election; and in case a majority of the voters voting in said election shall vote "For the Proposed Contract and Issuance of Bonds," then said contract and the order authorizing the issuance of said bonds shall be valid and binding, and said Board of Mayor and Aldermen shall proceed to issue and sell all or any part of said bonds thus authorized, and apply the proceeds to the payment of the purchase price or cost of said plant or system of waterworks, including the settlement of said claims, and the remainder of said bonds, or the proceeds thereof, will be retained to pay for additions, extensions, or improvements of said plant; and in case only a sufficient amount of said bonds have been sold to pay for the said plant and to settle said claims, the remainder of the said bonds may be sold by said Board of Mayor and Aldermen thereafter from time to time, and the proceeds applied to payment of the cost of said extension, additions, and improvements of said plant.

**Special tax.**

After the issuance of said bonds, said city, through the Board of Mayor and Aldermen, shall annually levy and collect a special tax not exceeding fifty cents on the one hundred dollars' worth of taxable property within the said city to pay the interest on said bonds and provide a sinking fund to meet or to retire said bonded indebtedness at maturity; and said city, through said Board of Mayor and Aldermen, shall proceed after the issuance of said bonds as aforesaid, and at the expiration of every two years thereafter until said bonded indebtedness has been paid, to elect two citizens who are qualified under the terms of the charter of said city to serve as Mayor of the city as Interest and Sinking Fund Commissioners; and the special tax levied and collected as aforesaid, together with the other funds hereinafter mentioned, shall be paid over to said Interest and Sinking Fund Commissioners, who shall annually apply a sufficient amount thereof to pay the interest on said bonded indebtedness and retain the remainder as a sinking fund to meet and retire said bonded indebtedness at maturity. Said Interest and Sinking Fund Commissioners are authorized to control and deposit at interest in one or more solvent banks the funds constituting said sinking fund, and said Commissioners may at any time use all or any

**Interest and  
Sinking  
Fund Com-  
missioners.**

part of said fund as the same accumulates in their hands over and above the amount necessary to meet interest payments to purchase, retire, and cancel any of said bonds of said city, if the same can be so purchased without material loss to said city and is deemed advisable by said Commissioners.

Said Interest and Sinking Fund Commissioners shall submit annually to said Board of Mayor and Aldermen a complete and detailed report, showing all receipts and disbursements and the amount on hands, and how invested, and said report shall be audited by said Board or a representative of it, and shall be entered in full on the records of said Board of Mayor and Aldermen. Said Interest and Sinking Fund Commissioners shall hold office for a term of two years, and until their successors are elected and qualified, and shall enter into such bond for the proper performance of their duties and to properly account for all funds coming into their hands as said Board of Mayor and Aldermen shall prescribe.

Commissioners  
to report.

After the said plant or system of waterworks has been acquired, said city is authorized to apply the balance of the proceeds of the sale of said bonds, authorized to be issued and sold as aforesaid, to paying for such additions, extensions, and improvements of said plant as the Board of Mayor and Aldermen may deem advisable.

Said city is also authorized to operate said plant or system of waterworks, and to charge and collect fair and reasonable compensation for the water furnished and service rendered, etc. Said Board of Mayor and Aldermen is authorized to make all rules, regulations, and arrangements necessary for the proper management and operation of said plant.

City to operate  
plant.

All of the money and income received from the operation of said plant shall be kept separate and apart from the other funds of said city; and the officers and employees of said city charged with the collection of the money derived from the operation of said plant shall make and submit detailed reports to said Board of Mayor and Aldermen of all receipts and disbursements semiannually and at such other times as said Board may prescribe, and said reports shall be copied on the records of the Board of Mayor and Aldermen.

Funds.

The income and profits derived from the operation

of said plant, after payment of expenses of operation and any amounts necessary to keep the plant in proper condition and repair, shall be paid over at the end of each year and at such other times as the Board of Mayor and Aldermen shall direct to said Interest and Sinking Fund Commissioners, to be used in paying the interest and in accumulating a sinking fund to retire said bonded indebtedness, and the amount of said surplus proceeds will be considered by said Board of Mayor and Aldermen in levying said special tax hereinbefore authorized.

To lease.

Said city, through said Board of Mayor and Aldermen, is also authorized to rent or lease said plant or system of waterworks for a term of not more than five years on such terms and conditions as said Board of Mayor and Aldermen may prescribe.

To sell or lease.

Said city is also authorized to sell said system of waterworks or to rent and lease the same for a term of more than five years in case said proposed contract for the sale or lease of said property for more than five years has first been submitted to the voters of said city for approval or rejection at an election called for that purpose and said proposed contract is approved by a majority of the voters voting at said election; and the Board of Election Commissioners for Bradley County, Tenn., are hereby empowered and directed to call said special election upon receipt of a notice from the Board of Mayor and Aldermen of said city, setting out the terms of the proposed contract and requesting that said special election be called.

Election expenses.

The expenses of the special elections authorized herein to be called will be paid by said city of Cleveland.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 5, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 11, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 52.

### SENATE BILL No. 169.

(By Messrs. Howse and Matthews.)

A BILL to be entitled "An Act to provide for the organization of corporations for the higher education of teachers."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That corporations for the higher education of teachers may be organized and created as hereinafter provided.

Any five or more persons over twenty-one years of age, desiring to organize and create a corporation under this Act, in order thereto shall sign and acknowledge as hereinafter provided the following articles of incorporation, to be known as the charter—namely:

State of Tennessee,  
Charter of Incorporation.

Be it known that . . . . (here fill this blank with the name of the five or more persons who desire to be incorporated) are hereby constituted a body politic and corporate by the name and style of . . . . (here fill this blank with the name of the corporation), for the purpose of establishing, conducting, and maintaining in this State a college or educational institution for the higher education of teachers.. Form of  
charter.

The general powers of this corporation are and shall be to sue and be sued by the corporate name; to have and use a common seal, which it may alter at pleasure; to purchase and to receive by gift, bequest, and devise any property—real, personal, and mixed; to hold, use, and manage the same for the purposes of the corporation as hereinbefore set forth; to execute and administer any trusts upon which property may be given to the corporation in furtherance and aid of the said purposes; and to sell and dispose of any property owned or held by it, or any part thereof, whenever the same, or any part thereof, can no longer be usefully applied to the pur-

poses of said corporation, and of the trusts on which the same is held, and the proceeds thereof to hold and apply for the same purposes and upon the same trusts; to purchase or accept and hold any real estate in payment in whole or in part of any debt due to the corporation, and to borrow money for the purposes of the corporation, and secure the payment thereof by mortgage of its real estate or any part thereof; and to do any and all things proper and necessary to establish, conduct, and maintain a college for the higher education of teachers; to establish by-laws, and to make all rules and regulations not inconsistent with the laws and Constitutions of the State of Tennessee and the United States deemed expedient for the management of corporate affairs; to elect or appoint a President, a Secretary, a Treasurer, and such other officers as the business of the corporation may require; to designate the name of the office and the qualification of the officer, and fix his compensation; *provided, however*, that no mortgage of any real estate of the corporation shall be valid if inconsistent with the trusts on which it is held, and unless authorized by the votes of two-thirds of the entire Board of Trustees and on order of the Court of Chancery.

The incorporators and their successors in office shall be called and known as "Trustees." This charter or these articles of incorporation shall be subject to modification or amendment as prescribed by the Constitution of this State. The main business of the corporation is to be conducted at . . . . (here insert the name of the town or city), in the county of . . . . (here insert the name of the county), in the State of Tennessee.

In witness whereof we, the undersigned, the incorporators above mentioned, hereby apply to the State of Tennessee, by virtue of the laws of the land, for a charter of incorporation for the purposes and with the powers declared in the foregoing instrument.

Witness our hands this, the . . . . day of, . . . ., A.D. . . . .

SEC. 2. *Be it further enacted*, That the signatures of said incorporators must be acknowledged or any one or more signatures proved by one witness before the Clerk of the County Court of the county where the main business of the corporation is to be

conducted, the fact of acknowledgment or probate to be entered on the books of his office, and also certified on the instrument, which instrument, with the application [of] the acknowledgment or probate, shall be registered in the Register's office of the same county, and the fact of registration shall be by the Register, indorsed on or attached to said instrument. The said instrument, registered as aforesaid, shall then be transmitted to the Secretary of State, who shall copy the same in a book to be kept for that purpose with the probates, acknowledgments, certificates of Clerk, Register, etc.

The Secretary of State shall then certify in or on the original instrument that the same has been registered in his office, to which certificate shall be applied the great seal of the State; and upon the affixing of the great seal of the State to the said certificate or said original instrument and the registration of the said Secretary's certificate, and the fac simile of said seal in the Register's office where said instrument was originally registered, the formation of the association as a body politic and corporate, with the powers specified in its charter or articles of incorporation and all other powers conferred upon it by law, is hereby declared complete, and the validity of the same shall not be in any legal proceeding collaterally impeached.

*Sec. 3. Be it further enacted,* That the said incorporators shall constitute the first Board of Directors, and they and their successors in office shall be known as and called "Trustees," and shall manage the affairs and property and conduct the business of said corporation.

The Board of Trustees as from time to time constituted shall have the power to fill all vacancies in the Board and to increase the number of Trustees to any number not exceeding thirty-three in all, including therein the Governor of Tennessee, who shall be, and hereby is, made a member of said Board and a Trustee ex officio. A quorum at any meeting of the Board shall consist of a majority of the entire membership of the Board. Every Trustee shall have one vote in all elections and on all questions to be considered and voted upon, the result in all cases to be determined by a majority of the votes cast. A majority of the Board of Trustees shall be citizens

of Tennessee, but any number of Trustees less than a majority may be citizens of other States, and the college shall be open to the citizens of all the States known as the "Southern States" upon the same terms and conditions as it is open to citizens of the State of Tennessee. Regular meetings of the Board shall be held at stated times, to be fixed by the by-laws; but special meetings may also be provided for by such by-laws, which shall also specify by what authority and in what manner such special meetings shall be called; *provided, however*, that notice of such special meetings shall be given to all the members of the Board, either personally or by mail, directed to their places of residence at least one month before the date named for the meeting, and that the notice of any special meeting shall state the objects thereof, and the action of such special meeting shall be limited to the objects so notified.

The Board of Trustees shall have power to provide by by-law for the creation of an Executive Committee, and prescribe the powers to be exercised by such Executive Committee when the Board of Trustees shall not be in session.

The Board shall keep a record of their proceedings, which shall at all times be subject to the inspection of any member. The terms of all officers and the time and mode of their election or appointment shall be fixed by the by-laws; but the term of no officer, except the President, shall exceed three years. All members of the Board shall hold their offices as Trustees until death, resignation, or removal, as hereinafter provided. Any Trustees, excepting the Governor of Tennessee, may be removed from the Board at any time after reasonable notice and hearing for inefficiency, neglect, drunkenness, incompetency, or misconduct detrimental to the interests of the institution; but the consent of four-fifths of the entire Board shall be required in order to effect such removal.

SEC. 4. *Be it further enacted*, That all the property of the corporation shall be liable for the claims of creditors, and by no implication or construction shall the corporation possess the power to discount notes or bills, deal in gold or silver coin, issue any evidence of debts as currency, buy and sell any agricultural products, deal in merchandise (beyond supplying its



students and teachers with lodgings, furniture, board, fuel, lights, and with books, apparatus, etc., necessary for instruction), or engage in any business outside the purpose of the charter.

As the general welfare of society and not individual profit is the object for which the charters herein mentioned are authorized, the Trustees are not stockholders in the legal sense of the term, and no dividends or profits shall be divided among the members. A violation of the provisions of the charter or of this Act shall subject the corporation to dissolution at the instance of the State.

Any corporation organized or chartered hereunder which may desire to change its name or obtain further powers, which powers at any time hereafter shall have been conferred by law upon corporations of this character, shall have the right to do so by proceeding in the manner and form prescribed by law for corporations chartered for profit to obtain like objects.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 3, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 12, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 53.

### HOUSE BILL No. 74.

(By Mr. Buford, by request.)

AN ACT to amend an Act entitled "An Act to redistrict and establish eight civil districts in the county of Wayne, in lieu of the fourteen districts as therein now existing, and to define the boundaries of the same," the same being Chapter 388 of the Acts of the General Assembly of 1903, passed April 10, 1903, and approved April 14, 1903.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 388 of the Acts of 1903 be, and the same are, amended so as to strike out Subsection 2 of said Act, and in lieu thereof the following be inserted:

"2. The territory in the Second Civil District shall include the territory embraced in the Second Civil District as laid out by the County Court of Wayne County in the year 1866."

And that Subsection 3 of said Act be stricken out, and in lieu thereof the following be inserted:

"3. The territory in the Third Civil District shall include the territory embraced in the First and Third Districts as laid out by said County Court of the year 1866."

SEC. 2. *Be it further enacted*, That Section 3 of said Act be stricken out.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 10, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 13, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 54.

### HOUSE BILL No. 33.

(By Mr. Williams.)

AN ACT to provide for the organization of bank corporations, and to provide that holders of stock in same shall be liable to its depositors, in addition to their stock, individually in an amount equal to the par value of their stock.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That charters may be granted any association of five or more persons, not under twenty-one years of age, to conduct a general banking business under the laws of this State, and for the security of the depositors of said bank may bind themselves not only to the extent of their stock, but, in addition, individually to the extent of the par value of their stock.

SEC. 2. *Be it further enacted*, That the charters herein provided for shall be signed and authenticated for registration as now provided by law by all of said stockholders, and said stockholders shall represent the full capital stock provided by the charter.

SEC. 3. *Be it further enacted*, That said corporation so organized shall issue to each stockholder a certificate or certificates of his stock, which said certificates shall show on their face that the owner and holder of the same is bound to the depositors of said bank not only to the extent of his stock, but, in addition, individually to the extent of the par value of his stock, and said stockholder shall continue so bound until he shall sell and transfer his stock and the purchaser of the same shall accept from said banks a like certificate.

SEC. 4. *Be it further enacted*, That a purchaser of stock issued as above provided shall be held liable according to the amount of his stock, as was the original holder of said stock.

SEC. 5. *Be it further enacted*, That the form of charter for said corporation shall be the same as now provided by law for the organization of banks and trust companies, with this amendment: Form of  
charter.

The form of charter now provided by law for banks and trust companies shall have appended to same and above the signatures of the persons applying for said charter the following:

“We, the undersigned persons, all being twenty-one years of age, apply for the foregoing charter, hereby agreeing to bind ourselves to the depositors of said bank not only to the extent of our stock, but, in addition thereto, individually to the extent of the par value of our stock as security for said bank to said depositors, and we represent that we are the holders of all of the stock provided for by the above charter.”

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 13, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 55.

### HOUSE BILL No. 139.

(By Messrs. Murphy and Scott.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished,' and the various subsequent Acts amendatory thereof, the same being the charter of the city of Nashville, by requiring the Board of Public Works of the cities controlled by said Chapter 114 of the Acts of 1883 to fill vacancies in the Police and Fire Departments thereof from the list of substitutes of such departments in all cases where such vacancies occur."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 32 of Chapter 114 of the Acts of the General Assembly of 1883 be, and the same is hereby, amended as follows:

By adding at the end of said Section 32 the following: "*Provided, however*, that in all cases of vacancies in the Police and Fire Departments, whether by resignation, discharge, or in any other manner, it shall be the duty of such Board of Public Works to fill such vacancies from the list of substitutes of the Police and Fire Departments in all cases where there are such substitutes at the time any such vacancy or vacancies occur in such Police and Fire Departments." *Provided, further*, that the Board of Public Works shall have the sole right and authority to appoint the substitutes.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 9, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 13, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 56.

### HOUSE BILL No. 297.

(By Mr. Brown.)

AN ACT creating a Board of Public Road Commissioners to lay out and maintain the public roads in this State in counties having a population of not less than 30,595 nor more than 30,600 under the Federal census of the year 1900 or any subsequent Federal census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* in all counties of this State having a population of not less than 30,595 nor more than 30,600, under the Federal census of the year 1900 or any subsequent Federal census, there shall be, and is hereby, created a Board of Public Road Commissioners. Said Board shall be composed of three members, citizens and freeholders of the county, to be chosen as hereinafter set out. One of said Board of Commissioners, to be designated as "Superintendent of Public Roads," shall be a civil engineer or a man of practical experience in the laying out, constructing, and maintaining of graded roads, and the others shall be designated as associate members of said Road Commission.

Elected by  
County  
Court.

SEC. 2. *Be it further enacted, That* said Public Road Commissioners shall be elected by the County Court of the county or counties in which this Act applies, and no members of the County Court shall be eligible to a place upon this Commission. The first election under this Act shall be held as soon as practicable after the Act takes effect, and the Commissioners shall hold their office for a term of two years, and until their successors are elected and qualified. The duties of said Public Road Commissioners shall be to take charge of and control all pike and public roads and bridges of the county and to disburse funds collected by taxation for the improvement of public roads and all funds collected by taxation or otherwise for the repairing or construction of public roads, highways, and bridges. They sha

Duties.

have the power to open and close roads as herein-after provided.

The Superintendent shall receive a salary not to exceed \$900 per year, the amount to be fixed by the Quarterly County Court. Salaries.

The associate members of said Commission shall receive each a salary not to exceed \$300 per year, the amount to be fixed by the Quarterly County Court, the salary of each member of the Commission to be paid monthly out of the treasury of the county upon the warrant of the County Judge or Chairman.

Two members of the Board shall constitute a quorum for the transaction of business.

SEC. 3. *Be it further enacted*, That the Superintendent of Public Roads shall devote his entire time to the duties imposed upon him by this Act, and shall have personal charge and supervision of all the public roads and bridges in the county; he shall have an office in the courthouse, and the associate members shall meet at his office at least twice in each month upon such dates as the Superintendent shall designate for the purpose of transacting such business as may come before them. The Superintendent may call special meetings of the Board whenever in his judgment the public interest requires it. It shall be the duty of the Superintendent to visit and examine all the roads in the county, and he will directly look after the proper construction and maintaining same. The associate members shall attend all meetings of the Board and visit and personally inspect the public roads at such times as the Superintendent may designate and require. Duties of Superintendent.

SEC. 4. *Be it further enacted*, That it shall be the duty of said Board of Commissioners, as soon as possible after they are elected, to lay off the public roads of said county in sections, with due regard to the location of said roads and the amount of travel and use to which they are subjected. Roads laid off—how.

The Superintendent of Public Roads shall make or cause to be made a map showing the location of all the graded and public roads and bridges in said county, which map shall be kept in the office of the Superintendent of Public Roads at the county seat. After the roads of the county have been laid off in sections, it shall be the duty of the said Board to

purchase a suitable outfit of road machinery, tools, and stock necessary for keeping the roads of each section in proper repair, and they shall keep constantly upon said roads laborers sufficient to keep the same in good condition, and shall pay for road labor not exceeding \$1.25 per day, the amount to be fixed by the Superintendent and the associate members of the Commission. The Superintendent shall have charge of all the crews employed upon the different sections of the roads throughout the county; *provided, however*, that each crew may be in charge of a foreman, who shall see that the directions of the Superintendent are faithfully carried out, and said foreman and laborers shall be paid out of the road funds of the county upon a warrant of the County Judge or Chairman of the court, which warrant shall be issued upon an order of the Road Commission, signed by the Chairman and at least one associate member. The Superintendent shall do the clerical work of the Commission, and shall keep the books, showing the amount of money disbursed, to whom paid, and for what purpose. The road funds of the county shall be one common fund, without reference to civil districts or road districts, and shall be used and applied by said Public Road Commission to the roads in any section of the county where, in the judgment of the Superintendent and associate members, it is most needed.

**Special tax.**

SEC. 5. *Be it further enacted*, That the County Court of each county under the provisions of this Act shall, at the April term of each year, levy a tax upon all property, both real and personal, outside of the corporate limits of incorporated towns for the purpose of establishing, improving, and maintaining the roads, which tax shall not be less than ten cents on the one hundred dollars nor more than twenty-five cents on the hundred dollars, to be expended by the Board of Public Road Commissioners created under this Act. In addition to the road tax levied as here provided, all male inhabitants between the ages of twenty-one years and forty-five years shall be required, unless exempted by the County Court for some physical disability provided by law, to pay into the county treasury a sum not to exceed \$3, which shall be a part of the road funds of the county, which amount shall be levied by the court and collected a



other taxes are now collected; *provided*, that any one subject to this road tax may pay and discharge the same by the performance of five days' labor upon the public roads located in the section in which he resides at such time and place as the Superintendent may designate.

SEC. 6. *Be it further enacted*, That the Board of Commissioners shall classify the roads throughout the county, and that there shall be four grades of roads in this classification, the width of each character of road to remain as now designated by law. The number of miles in each section shall be determined by the classification of the road and the amount of travel to which the section of road is subjected by the general public. It shall be the duty of Commissioners in laying out and establishing said roads to avoid heavy grades and to reduce the same where practicable; and when possible to do so, the roadbed shall be graded, with a fall of one inch to the foot, from the center of the road to the ditches, which shall be maintained on each side of the road of a sufficient depth to drain the roadbed, and they shall construct and maintain open culverts so as to allow the water to escape and properly drain the road.

Roads classified and graded.

SEC. 7. *Be it further enacted*, That said Board of Road Commissioners shall procure all stone, timbers, and lumber necessary to keep in proper repair the roads, and have the same in readiness distributed along the roads at such points as will be convenient and accessible for the men at work upon the various sections of the road to use the same. Said Board of Road Commissioners shall issue their order in payment for said material so purchased.

Commissioners to furnish material.

SEC. 8. *Be it further enacted*, That all applications to open, change, or close any highway in any county coming within the provision of this Act shall be made by written petition to the Superintendent of the Public Roads of the county in which said highway is located. The Superintendent shall file said petition in his office, and shall notify the person or persons desiring such change and directly interested in the change in said road of the date when he will go upon the premises and hear proof and act upon said application. Said notice shall be given at least five days before the application is passed upon.

Petition.

The Superintendent shall, after giving the proper notice and hearing the proof and acting upon the application, assess the damages, if in his judgment there should be any, and report his action to the Judge or Chairman of the County Court. With his report he shall file the petition and notice given by him. The Judge or Chairman of the County Court shall consider the matter and make such orders as to opening, changing, or closing the road as in his judgment seems proper. If unappealed from, the action of the Chairman of the County Court or the Judge of the county shall be final and binding in the premises. Any interested party may appeal; *provided*, said appeal is perfected within three days after the order complained of has been entered upon the minutes. The damages fixed by the Superintendent or the Judge or Chairman of the court shall be paid to the party aggrieved upon a warrant of the Judge or Chairman of the court out of any money in the county treasury not otherwise appropriated.

Report.

SEC. 9. *Be it further enacted*, That said Board of Public Road Commissioners shall report to the County Court quarterly, and file a full and complete itemized report of all disbursements, and to whom paid and for what purposes. Said report shall be sworn to by the Superintendent of said Board of Commissioners. Before entering upon their duties, each member of the Board shall subscribe to an oath to honestly, faithfully, and efficiently perform the duties devolved upon them under this Act, and the Superintendent shall enter into bond in the sum of two thousand dollars, conditioned as required by law to honestly, faithfully, and efficiently perform his duties as such Superintendent, and each associate member shall enter into a similar bond in the sum of one thousand dollars.

Superintendent to receipt.

SEC. 10. *Be it further enacted*, That the Superintendent of said Board of Commissioners execute his receipt to all persons performing labor upon the roads under this Act in lieu of paying the taxes assessed against him for road duty, and such receipt shall be received by the Trustee in payment of said taxes, and any persons liable for road duty under the provisions of this Act who, after being notified as herein provided, fails and refuses to perform the labor upon said road or pay the amount assessed

against him under the provisions of this Act shall be guilty of a misdemeanor, and the Superintendent of said Board of Commissioners shall, before making final report for any one year, have such delinquent apprehended, brought before some Justice of the Peace to answer to the charge of a dereliction of duty, and, upon conviction, he shall be fined an amount not to exceed that assessed against him for road duty and pay all costs of the cause.

SEC. 11. *Be it further enacted*, That the County Court of any county coming under the provisions of this Act shall have jurisdiction of all the roads in the county, and said Commission created under the provisions of this Act shall be amenable to said court, and failure upon the part of any member of said Commission to faithfully, honestly, and properly perform the duties of his office shall, upon motion of any member of the court, by a majority vote of said court, be removed from office; and in case of such removal or vacancy by death or resignation, the Chairman of the court or the Judge of the county shall fill said vacancy by appointment, and the person so appointed shall serve until the next regular term of said court, at which time his successor shall be elected by the court as hereinbefore provided.

Commissioner—how removed.

SEC. 12. *Be it further enacted*, That if in the judgment of the Commission created under this Act the interest of the public will be best served by maintaining and keeping up by contract any of the roads after the same have been laid out in sections as provided under this Act, they are authorized and empowered to contract said roads, and they will take from the contractor a good and sufficient bond for the faithful performance of the work, and they will reserve the right in the letting of said contract to reject any and all bids, and will contract the maintenance of such roads to such persons only as are known to be skilled and experienced in the art of road building and who live in the vicinity of the road contracted by him.

Contracts.

SEC. 13. *Be it further enacted*, That the Board of Commissioners created under this Act shall have charge of the workhouse in all counties coming under the provisions of this Act, and all persons convicted and serving a workhouse sentence shall be worked

To work convicts.

upon the public roads of the county under the direction of said Board of Public Road Commissioners, and they shall have full power to govern and control such workhouse and the working of the convicts therein as now provided by law.

SEC. 14. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and this Act take effect from and after its passage, the public welfare requiring it.

Passed February 10, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 13, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

## CHAPTER 57.

### HOUSE BILL No. 11.

(By Mr. Tidwell.)

AN ACT to change the line between Dickson and Houston Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between Dickson and Houston Counties be changed as to include all the lands of L. J. Browning in Dickson County.

SEC. 2. *Be it further enacted*, That the point of beginning of said new line be in the Dickson and Houston County line, running north 172 poles; thence north 12 degrees west, crossing Childers' Branch, 30 poles to a stooping sycamore in the bottom; thence east 30 degrees north 17 poles to a black oak in J. G. Hinson's south boundary line; thence with said line 66 poles to the Dickson County line.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 11, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 15, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

CHAPTER 58.

HOUSE BILL No. 25.

(By Mr. Harris.)

AN ACT to repeal Chapter 500 of the Acts of 1907.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 500 of the Acts of 1907, being House Bill No. 887, entitled An Act to make the municipal corporation of Greenbrier, Robertson County, Tenn., one of the school districts of said county, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 15, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 59.

### HOUSE BILL No. 29.

(By Mr. Carson.)

AN ACT to be entitled An Act to amend Chapter 185, Section 11 of the General Assembly of the State, session of 1907, as applicable to Lauderdale County, as to the open season for killing squirrels and turkeys in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 11 of Chapter 185 of the General Assembly of the State of Tennessee, session of 1907, be amended as follows:

“Lauderdale County squirrels may be caught, shot, or killed from June 1 to March 1; *provided*, the owner of land may shoot squirrels at any time on his own land for his own use. ‘Wild turkeys may be killed from November 1 to March 1.’”

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 15, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 60.

### HOUSE BILL No. 36.

(By Mr. Maples.)

AN ACT creating a Board of Public Road Commissioners to lay out and maintain a public road in this State in counties having a population of not less than 22,022 nor more than 22,030 under the Federal census of the year 1900 or any subsequent Federal census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all counties of this State having a population of not less than 22,022 nor more than 22,030, under the Federal census of 1900 or any subsequent Federal census, there shall be, and is hereby, created a Board of Public Road Commissioners. Said Board shall be composed of three members, citizens and freeholders of the county, to be chosen as hereinafter set out. One of said Board of Commissioners shall be designated as "Superintendent of Public Roads" and the others as "Associate Members" of said Road Commissioners.

How and when  
elected.

SEC. 2. *Be it further enacted*, That said Public Road Commissioners shall be elected by the legally qualified voters of the county or counties in which this Act applies at the regular general election on the first Thursday in August every two years, the term of each Commissioner being for six years; and one Commissioner being elected every two years, so that the term of one Commissioner shall expire every two years, the term of each Commissioner beginning on the first day of September after his election. The first election under this Act shall be held on the first Thursday in August, 1910, at which time a successor shall be elected to the Commission, whose term of office in that year to be elected as hereinafter set out. The County Court or courts of the county or counties to which this Act applies shall, at the July term, 1909, after this Act takes effect, elect the Public Road Commissioners for each of said counties, the terms of which shall expire in 1910, in 1912, and 1914, respectively. No member of the



County Court shall at any time be one of the Road Commissioners. That Commissioner whose term of office expires in the year 1910 shall be the Superintendent of Public Roads. The next Superintendent shall be the Commissioner whose term expires in 1912; the next one, whose term expires in 1914, and so on in the further years, so as to make the term of each Superintendent of Public Roads two years in length, and so as to make that Commissioner whose term of office begins the earliest the said Superintendent. The duties of said Public Road Commissioners shall be to take charge of and control all public roads and bridges of the county not over twenty feet in length, and to disburse all funds collected by taxation for the improvement of all public roads, highways, and bridges. They shall have the power to open and close roads as hereinafter provided. The Superintendent shall receive a salary not to exceed \$700 per year nor less than \$500 per year, the same to be fixed by the Quarterly County Court, and he shall be a man of some practical knowledge of road building. The associate members shall each receive a per diem of one dollar and a half per day for actual time in service. The salary of each shall be paid monthly out of the treasury of the county upon the warrant of the County Judge or Chairman. Two members of the Board shall constitute a quorum for the transaction of the business.

**Sec. 3.** *Be it further enacted,* That the Superintendent of Public Roads shall devote his entire time to the duties imposed upon him by this Act, and shall have personal charge and supervision of all the public roads and bridges, except those heretofore mentioned, in the county. He shall have an office in the courthouse, and the associate members shall meet at his office at least twice in each month for the six months while the road work is in regular progress, and as often thereafter as the Superintendent thinks necessary, and upon such dates as the Superintendent shall designate, for the purpose of transacting such business as may come before them. The Superintendent may call special meetings of the Board whenever in his judgment the public interest requires it. It shall be the duty of the Superintendent to visit and examine all roads in the county, and he will directly look after the proper construction

Superintendent.

Salary.

Duties of.

and maintaining same. The associate members shall attend all meetings of the Board and visit and personally inspect the public roads at such time as the Superintendent may designate and require.

Roads—how  
laid off.

SEC. 4. *Be it further enacted*, That it shall be the duty of the said Board of Commissioners, as soon as possible after they are elected, to lay off the roads of said county in sections, with due regard to the location of said roads and the amount of travel and use to which they are subject. They may secure the services of a skilled and competent engineer and have him prepare a map or maps showing the location of all the public roads and bridges in said county, which map or maps shall be kept in the office of the Superintendent of Public Roads at the county site. After the roads of the county have been laid off in sections, it shall be the duty of the said Board to appoint and place upon each section a competent man or men as supervisors, and they shall be required to enter into bond of not less than \$250 for the faithful performance of their duties, and shall be allowed not more than \$1.25 per day for their services; and the Board of Road Commissioners shall furnish said man or men in each section such tools as may be necessary for the keeping of said roads in good repair, and they may hire teams and use plows and drags, so as to keep the roads in good repair, and they shall keep constantly upon such roads from May 1 to November 1 laborers sufficiently to keep the same in proper repair; and they shall pay for common labor not exceeding \$1 per day for eight full hours of work, amount to be fixed always by the Superintendent and the associate members of the Commission. The Superintendent shall have charge of all the laborers employed upon the different sections of the roads throughout the county, and said laborers shall be paid out of the road funds of the county upon the warrant of the County Judge or Chairman of the court, which warrants shall be issued upon order of the Road Commissioners, signed by the Chairman and at least one of the associate members of the Board. The Superintendent shall do all the clerical work of the Commission, and shall keep the books showing the amount of money disbursed, to whom paid, and for what purpose.

Supervisors.

The road funds of the county shall be one common fund, without reference to civil districts or road districts, and shall be used and applied by said Public Road Commission to the road in any section of the county wherein the judgment of the Superintendent and associate members think it most needed.

SEC. 5. *Be it further enacted*, That the County <sup>Special tax.</sup> Court of each county coming under the provision of this Act shall, at the January term of each year, levy a tax upon all property, both real and personal, outside of the corporate limits of incorporated towns, for the purpose of establishing, improving, and maintaining the roads, which tax shall not be less than twenty nor more than thirty cents on the one hundred dollars, and that all persons who make it a business of transporting goods, merchandise, lumber, or anything else as a business for profit, shall, for each team used in such business, pay a privilege tax of five dollars per annum, the same to go into the public road fund (this does not apply to parties who only occasionally—say, once a week—haul for their own use) to be expended by the Board of Public Road Commissioners created under this Act. In addition to the road tax levied as herein provided, all male inhabitants between the ages of twenty-one and forty-five years shall be required, unless exempted by the County Court for some physical disability provided by law, to pay into the county treasury a sum not to exceed five dollars, which shall be a part of the road funds of the county, which amount shall be levied by the court and collected as other taxes are now collected; *provided*, that any one subject to this road tax may pay and discharge same by the performance of five days' labor upon the public roads of eight hours per day at such time and places as the Superintendent may designate. Three days' notice shall be deemed sufficient; *provided, however*, that no citizen shall be required to work outside his own civil district.

SEC. 6. *Be it further enacted*, That the Board of Commissioners shall classify the roads throughout the county, and that there shall be four grades of roads in this classification, the width of each character of road to remain as now designated by law. The number of miles in each section shall be de-

Roads—classified and graded.

terminated by the classification of the road and the amount of travel to which the section of road is subject to the general public. It shall be the duties of the Commissioners in laying out and establishing said roads to avoid heavy grades and to reduce the same where practicable; and when possible to do so, the roadbeds shall be graded, with a fall of two inches to the foot, from the center of the road to the ditches, which shall be maintained on each side of the road of a sufficient depth to drain the roadbed, and they shall construct and maintain open culverts, so as to allow the water to escape and properly drain the road.

To furnish  
material.

SEC. 7. *Be it further enacted*, That said Board of Road Commissioners shall procure all stone, timber, lumber, and tiling necessary to keep in proper repair the roads, and have the same in readiness to distribute along the roads at such points as will be convenient and accessible for the men at work on the various sections of the road to use the same. Said Board of Road Commissioners shall issue their order in payment for said material so purchased.

SEC. 8. *Be it further enacted*, That all applications to open, change, or close any highway in any county coming within the provision of this Act shall be made by written petition to the Superintendent of the Public Roads of the county in which said highway is located. The Superintendent shall file said petition in his office, and shall notify the person or persons desiring such change, and direct in the change in said roads of the day when he will go upon the premises and hear proof and act upon such application. Said notice shall be given at least five days before the application is passed upon. The Superintendent shall, after giving the proper notice and hearing the proof and acting upon the application, assess the damages, if in his judgment there shall be any, and report his action to the Judge or Chairman of the County Court with his reports. He shall file the petition and notice given by him. The Judge or Chairman of the County Court shall consider the matter, and make such orders as to opening and closing the road as in his judgment seems proper. If unappealed from, the action of the Chairman of the court or the Judge of the county shall be final and binding in the premises. Any inter-

ested party may appeal; *provided*, such appeal is perfected within three days after the order complained of has been entered upon the minutes.

The damages fixed by the Superintendent or the Judge or Chairman of the court shall be paid to the party aggrieved upon a warrant of the Judge or Chairman of the court out of any money in the county treasury not otherwise appropriated. It shall be the duty of the Superintendent to have any road so laid off and established as a public road constructed and opened to travel as soon as practicable.

Sec. 9. *Be it further enacted*, That said Board of Public Road Commissioners shall report to the County Court quarterly and file a complete itemized report of all disbursements, and to whom paid and for what purpose. Said report shall be sworn to by the Superintendent of said Board of Commissioners. Report.

Before entering upon their duties, each member of the Board shall subscribe to an oath to honestly, faithfully, and efficiently perform the duties devolved upon them under this Act, and the Superintendent shall enter into a bond in the sum of \$5,000, conditioned as required by law to honestly, faithfully, and efficiently perform his duties as such Superintendent, and each of the associate members shall enter into a similar bond in the sum of \$1,000 each. Bond.

Sec. 10. *Be it further enacted*, That the Superintendent of said Board of Commissioners execute his receipt to all persons performing labor upon the roads under this Act in lieu of paying the taxes assessed against him for road duty; and such receipts shall be received by the Trustee in payment of the said taxes, and any persons liable for road duty under the provisions of this Act who, after being notified as herein provided, fails and refuses to perform the labor upon such road or pay the amount assessed against him under the provisions of this Act shall be guilty of a misdemeanor, and the Superintendent of the said Board of Commissioners shall, before making final report for any one year, have such delinquents apprehended and brought before some Justice of the Peace to answer the charge of a dereliction of duty, and, upon conviction, he shall be fined an amount not less than five dollars. Receipt.

nor more than twenty-five dollars and pay all costs of the cause.

Commission—  
how removed.

SEC. 11. *Be it further enacted*, That the County Court of any county coming under the provisions of this Act shall have jurisdiction over roads in the county, and said Commission created under the provisions of this Act shall be amenable to said courts; and upon failure upon the part of any member of said Commission to faithfully, honestly, and properly perform the duties of his office he shall be removed from office, and in case of such removal or vacancy by death or resignation the Chairman of the court or Judge of the county shall fill said vacancy by appointment, and the persons appointed shall serve until the next general election in said county, at which time their successors shall be elected as hereinbefore provided.

Penalty to  
obstruct right  
of way.

SEC. 12. *Be it further enacted*, That it shall be the duty of the District Superintendent to report to the Road Commission a case of any person who has now or may hereafter have any fence or other obstructions in or upon the road or right of way in his district, and the County Superintendent shall at once, at the expense of such party, give him notice to remove or set back such fence or obstruction from the said right of way, and in case he shall fail to do so, he shall be guilty of a misdemeanor, and shall be subject to a fine of not less than five dollars nor more than twenty-five dollars, at the discretion of the court. It shall be unlawful for any person or persons to throw or leave in the public roads anything that might be an obstruction—such as rocks, stumps, timbers, or lumber of any kind, sprouts or briars, or any other matter that might become an obstruction, and it shall be the District Superintendent's place to report to the County Superintendent any such obstruction, and he shall also be liable as above.

SEC. 13. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and this Act take effect

from and after the first day of July, 1909, the public welfare requiring it.

Passed February 11, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 15, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 61.

### HOUSE BILL No. 88.

(By Mr. Stewart of White.)

AN ACT authorizing White County, Tenn., to issue bonds for building, extending, and improving turnpikes and public roads in said county upon an affirmative vote of the people, and to regulate the same, and to levy a tax and create a sinking fund for the same, and for the appointment and payment of Commissioners and regulation of same.

SECTION I. *Be it enacted by the General Assembly of the State of Tennessee*, That within twelve months from the passage of this Act the Commissioners of Election for White County, Tenn., shall order an election in said county, giving at least twenty days' notice of the same by publication in some newspaper published in said county, said election to be held by officers appointed for that purpose in each civil district of said county for the purpose of determining whether the qualified voters of said county are in favor of the issuance of coupon bonds not to exceed fifty thousand dollars (\$50,000) for the purpose of building turnpikes and improvement of the public roads of said county, and each voter who is a qualified voter at the date of said election to vote for Representatives in the General Assembly of the State of Tennessee shall be qualified to vote at said

Bonds—  
amount of.

election, and shall put on his ballot "For Turnpikes" or "Against Turnpikes," and the ballot for turnpike shall be counted for the issuance of said bonds, and a ballot against turnpikes shall be counted against the issuance of said bonds. The Commissioners of Election shall make returns of the same to the Judge of the County Court, and at its next quarterly session after such election, or at a special session that may be called for the purpose, the vote shall be counted and the result declared by said court. That thereupon, if a majority of the votes are "For Turnpikes," the said County Court shall order an issuance of the bonds of the county in the amount of fifty thousand dollars (\$50,000) in denominations of not exceeding one thousand dollars each, payable in lawful money of the United States. Said bonds shall be redeemable in amounts and at times as follows—to wit: Twenty-five thousand dollars (\$25,000) at the expiration of fifteen (15) years, and twenty-five thousand dollars (\$25,000) at the expiration of twenty-five (25) years, and shall bear interest at a rate of not exceeding five (5) per cent per annum. The interest on the bonds shall be payable annually on the first day of July of each year.

Redeemable—  
when.

SEC. 2. *Be it further enacted*, That said bonds shall be signed by the County Judge of White County, Tenn., and countersigned by the Clerk of the County Court of said county, with his official seal affixed to the same, and shall be numbered in the order of their issuance, beginning with No. 1.

Coupons.

SEC. 3. *Be it further enacted*, That each of said bonds shall have attached to it the coupons for the annual interest upon the same for each of the years the said bonds are to run, showing the amount of each annual installment of interest on said bonds and when the same shall fall due, which coupon shall be signed in the same manner as the bonds, except that the official seal of the Clerk of the said court need not be affixed to said coupons, the said coupons, however, to show on their face the number and amount of the bonds to which they are attached. The bonds and coupons herein provided for, when due and paid off by the Trustee or Tax Collector, shall be by said Trustee or Tax Collector canceled by stamping or writing on the face thereof the date received and paid, and held by him as his voucher



for the payment in his settlement with the Judge or Chairman of the County Court, who will preserve said coupons and bonds as a part of the records of his office until such time as the same may be ordered destroyed by the said County Court.

SEC. 4. *Be it further enacted*, That it shall be the <sup>Sinking fund.</sup> duty of said Quarterly Court of said county to levy a tax annually on the taxable property of said county sufficient for the purpose of paying the annual interest on said bonds, and also for the purpose of creating a sinking fund for the redemption of the bonds herein authorized, when the same shall fall due, in such sums as the County Court may determine. The Clerk of the County Court shall keep in a well-bound book in his office a record of the number and denomination of the bonds issued under this Act, and the aggregate sum thereof, which at all times shall be subject to inspection of said County Court and the public.

SEC. 5. *Be it further enacted*, That the County Trustee shall collect and account for the taxes herein authorized in the same manner as he is now required to collect and account for other county taxes, and he shall receive the same compensation as for collecting and accounting for other county taxes, etc.; and said County Court may require said Trustee to give an additional bond for the faithful performance of his duty in collecting and accounting for such funds raised for the purpose of the payment of interest on said bonds and for creating a sinking fund for the redemption of the same.

SEC. 6. *Be it further enacted*, That the County Judge of the County Court of said county shall, with- <sup>To publish maturity.</sup> in the last sixty (60) days immediately preceding the maturity of said bonds, give notice to the holder or holders of the same through a newspaper published in said county for a term of thirty days, stating in said notice the date that said bonds fall due, and requesting that the same be presented for payment or redemption on the said date of maturity; and if said bonds be not presented at said date of maturity, then the interest thereon shall cease at that date; and when said bonds or any of them are paid and returned as herein set out, the Trustee or Tax Collector shall, upon settlement with the County Judge of the County Court, have credit therefor.

upon the sinking-fund account hereinbefore provided.

SEC. 7. *Be it further enacted*, That said bonds, when issued, shall be delivered to the Turnpike Commissioners of said county, who shall have power to sell and dispose of the same at such time and in such manner as in their judgment will best subserve the interests of said county; *provided, however*, that said bonds shall not be sold for less than their par value, and the proceeds thereof be by them deposited in the banks at Sparta, Tenn., as the County Court of said county may direct, and such proceeds shall become a part of the turnpike fund of said county, and shall be paid out upon the order of said Commissioners as now provided by law regulating the building of turnpikes of said county.

Turnpike Commissioners.

SEC. 8. *Be it further enacted*, That the Turnpike Commissioners of said county who have been elected and qualified under existing law regulating the building of turnpikes and improvement of public roads in said county shall constitute the Turnpike Commissioners of said county for the purpose of expending and controlling the proceeds of said bonds until their successors are elected and qualified. The said Turnpike Commissioners shall make report to said County Court quarterly, showing in detail how said funds have been expended, which said report shall be examined by the County Judge and Finance Committee of said county before the same is presented to said County Court.

Funds—how expended.

SEC. 9. *Be it further enacted*, That said funds shall be expended by said Commissioners in the construction of the roads hereinafter set out in the manner set out in the Acts of the General Assembly of Tennessee, being Chapter 220, House Bill No. 337, of the Acts of 1907, entitled An Act to amend Chapter 530 of the Acts of 1905.

Roads to be graded.

SEC. 10. *Be it further enacted*, That the proceeds of bonds herein authorized shall be merged with the turnpike funds now on hand, and shall be expended upon the following roads in said county:

1. To complete the roads authorized constructed in said Act of 1905, including the macadamizing of the Calfkiller Road, on the west side of Calfkiller River, from the fork of said road at or near Tucker's Ford Bridge to the intersection of England's Cove Road,

near and south of Dug Hill, and grading the same to the Putnam County line; also including the Calf-killer Road, on the east side of said river, from the forks of the same near said Tucker's Ford Bridge to the intersection of the Plum Creek Road, or road leading across said river at the Townsend's Ford Bridge, the same to be graded and macadamized for the full distance as above set out.

2. To grade and macadamize the Sparta and Cookeville Road from the point now authorized by law to the Putnam County line at Falling Water River Bridge; grade and macadamize the Sparta and Spencer Road from the point now authorized by law to the Van Buren County line at the River Hill Bridge; grade and macadamize the road leading from Doyle Station to the Caney Fork River at Hodge's Ferry Bridge, known as "Hodge's Ferry Road;" grade and macadamize the Sparta and McMinnville Road from the point now authorized by law to Quebeck, and grade the same from Quebeck to Walling; grade the Rock Island and Cookeville Road from Walling to the intersection of the Sparta and Cookeville Road at or near William Rays, and macadamize the same six (6) miles south from the crossing of the Taylor's Creek Road near Old Zion.

3. Grade the Taylor's Creek Road, leaving the Sparta and Smithville Road near the residence of C. C. Martin, crossing the Rock Island and Cookeville Road at Old Zion and extending westwardly to the old Carthage Road near Fancher's Mills; grade the road leading from Quebeck to Caney Fork River Bridge at Tosh's Ferry; grade the Sparta and Smithville Road from the point now authorized by law to the DeKalb County line; grade the Frank's Ferry Road from Sparta and Doyle Road to the forks of Frank's Ferry Road, west of and near the residence of W. C. Pirtle; grade the Sparta and Pin Hook Road from the Sparta and Doyle Road, south of Town Creek, to the Rock Island and Cookeville Road near Shady Grove; grade the old Sparta and McMinnville Road, leaving the Sparta and Spencer Road at the residence of J. L. Cummings, to the Hodge's Ferry Road near Greenwood; grade the Big Bottom Road, leaving the Sparta and Spencer Road near the residence of Walter Wallace, crossing the Caney Fork River at Butt's Ferry and ex-

tending up said river to the intersection of Lost Creek Road, near the residence of Fred Wilson; grade the Banker's X Roads, or Burges' Mill Road, from the Sparta and Cookeville Road near O'Connor's Branch to the bridge near Burges' Mill; grade the Bunker's Hill, or Sparta and Carthage Road, from the Sparta and Cookeville Road to the Putnam County line; grade the Cherry Creek Road from the Calfkilker Road to the Putnam County line at or near Post Oak Creek; grade the Sparta and Crossville Road from the top of the mountain, at Old Bon Air, to the town of DeRossett; grade the Lost Creek Road from the Sparta and Spencer Road, at or near J. L. Quarles' farm, to Green Tree Post Office; grade the Rock Island and Carthage Road from the Rock Island and Cookeville Road, at Knowles & Dobb's Store, to the Taylor's Creek Road near Fancher's Mills; grade the Quebeck and Pisga Road from the Rock Island Road to Quebeck; grade the Bailey's Ferry Road from Walling to the top of the hill near said ferry, and the Board Valley Road from the Calfkilker Road near Spring Hill to Shingle Post Office.

SEC. 11. *Be it further enacted*, That where herein said roads are to be graded only, the Commissioners are authorized to macadamize the low or swampy places in said roads.

SEC. 12. *Be it further enacted*, That the Commissioners are not to wait until all of the first-mentioned roads are completed before proceeding to construct the other roads herein provided for, but may proceed to work upon any or all of said roads at such times and in such manner as in their judgment will best promote the public welfare; *provided*, they retain sufficient funds to complete the roads originally provided for by the Acts of 1905, including the Calfkilker River Road on both sides of said river as herein provided.

Surplus.

SEC. 13. *Be it further enacted*, That should there be a surplus of the fund herein provided after construction of the roads herein set out, the Commissioners shall be authorized to apply the same to the macadamizing of such of said roads herein directed to be graded only as will, in their judgment, best subserve the public welfare; and in the event there is not sufficient amount of said fund to complete all

the roads herein provided, the Commissioners are directed to omit the construction of such of said roads as in their judgment are of the least public utility.

SEC. 14. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 11, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 15, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 62.

### HOUSE BILL No. 106.

(By Mr. Stewart of White.)

**AN ACT to change the county line between White and Van Buren Counties.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between the counties of White and Van Buren Counties be so changed as to detach the lands of W. L. Goldston and Peter Sparkman from Van Buren and attach the same to White County.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 11, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WM. KINNEY,**  
*Speaker of the Senate.*

Approved February 15, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

## CHAPTER 63.

### HOUSE BILL No. 120.

(By Davidson County Delegation.)

AN ACT to be entitled An Act to amend an Act entitled "An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished," the same being Chapter 114 of the Acts of the General Assembly of 1883, and the subsequent Acts amendatory thereof, constituting the charter of the city of Nashville, by authorizing the Mayor and City Council of said cities to use in its budget for any one year revenue carried in the budget for the preceding year, but not expended during such preceding year.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 114 of the Acts of the General Assembly of the State of Tennessee and the various Acts amendatory thereof, constituting the charter of the city of Nashville, be, and the same is hereby, amended as follows:

"It shall be lawful for the cities controlled by this Act to embrace in their budgets for any one year revenue carried in the budget for the preceding year, and which has not been expended during such preceding year; *provided, however*, that nothing herein contained shall authorize the corporate authorities of cities controlled by this Act from departing from their present plan of making their budgets, except as herein expressly authorized."

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 15, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 64.

### HOUSE BILL No. 121.

(By Davidson County Delegation.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished,' passed by the General Assembly of the State of Tennessee, March 21, 1883, and approved by the Governor, March 27, 1883, and all subsequent Acts amendatory thereof, the same constituting the charter of the city of Nashville, so as to provide for the creation within said municipal corporations of a Humane Society Board of Commissioners, to fix the duties and powers of said Board, and to make provision for the raising of funds with which to enable said Board to carry out the duties invested in it by law."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 114 of the Acts of 1883, entitled "An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 inhabitants and upwards, according to the Federal census of 1880, whose charters have been abolished," and all Acts amendatory thereof, the same constituting the charter of the city of Nashville, be, and the same are hereby, amended so as to provide that within each of the municipal corporations controlled by said Chapter 114 of the Acts of 1883 there shall be a Humane Society Board of Commissioners, composed of five members, who shall have been bona-fide residents and citizens of the city or town controlled by said Acts at least three years prior to their appointment. The first members of said Board shall be appointed by the Mayor of said city on or before the first day of June, 1909, and shall hold office as follows: One for one year, one for two years, one for three years, one for four years, and one for five years; and in making the first appointments of said Commissioners herein provided for, the Mayor shall designate the times for which his appointees shall

Humane  
Society  
Board.



hold their offices, respectively, and said appointments shall be confirmed and approved by a majority vote of the whole number of the City Council.

Upon a vacancy by resignation, death, expiration of a term of office, or otherwise, of any member, his successor shall be selected by the remaining members of said Humane Society Board of Commissioners, subject to the approval and confirmation by a majority vote of the whole number of the City Council. The term of office of the members of said Board, except as above prescribed for the first members thereof to be appointed by the Mayor, shall be for five years from the first day of June of the year such member was appointed and confirmed, or until his successor is selected and approved by the Council and has qualified for said office. No member of said Board shall receive any compensation for his services, and each member appointed or selected to serve upon said Board, before proceeding to enter upon the duties of his office, shall qualify by making oath or confirmation before the Recorder of such city as follows:

Compensation.

"I do solemnly swear that I will support the Constitution of the United States and of the State of Tennessee, and the charter of the city of Nashville, and will faithfully and impartially perform and discharge all duties imposed upon me by virtue of this office."

Oath.

Each member of said Board shall, before entering upon the duties of his office, execute a bond, payable to the Mayor and City Council of Nashville, in the sum of five hundred dollars (\$500), giving solvent sureties thereon, conditioned that he will faithfully perform all duties incumbent upon him by law as a member of said Board, and said bond shall be approved by the Mayor and filed with the City Recorder. The members of said Board shall immediately, upon their appointment and qualification, as hereinbefore provided, organize by selecting one of their number as Chairman.

Bond.

Said Board shall hold regular meetings at least once a month, and at such other times within the month as may be called by the Chairman of said Board.

Meeting—time of.

SEC. 2. *Be it further enacted*, That said Humane Society Board of Commissioners is hereby author-

To acquire property.

ized and empowered to acquire and hold the title to all property acquired by purchase, deed of gift, or otherwise, for the use of said Board; but the title to all such property shall be taken in the name of the Mayor and City Council of said municipal corporation, but to be held by it in strict trust for the uses of said Humane Society Board of Commissioners, and in strict accordance with the end and purposes for which the gift or dedication of such property was made to said Humane Society Board of Commissioners, and said property shall be exempt from State, county, and municipal taxation.

Duties of.

SEC. 3. *Be it further enacted*, That it shall be the duty of said Humane Society Board of Commissioners to diligently and vigilantly observe the faithful execution of all ordinances, by-laws, and measures of such municipal corporations enacted for the purpose of prohibiting the cruel and inhuman treatment of children and animals, and for this purpose it shall be the duty of the Board of Public Works of cities controlled by Chapter 114 of the Acts of 1883 to provide three members of the metropolitan police force who shall be assigned to the Human Society Board of Commissioners, and one of said members assigned shall act as Secretary for said Board, and who shall devote their entire time and attention to carrying out the orders of said Board and making arrests for the violation of all city ordinances prohibiting the cruel and inhuman treatment of children and animals, and the said police force of the cities controlled by Chapter 114 of the Acts of 1883 is hereby increased three men. The appointment of said three police force hereby assigned to the Humane Society Board of Commissioners shall be made by the Board of Public Works of such cities from a list of names submitted to it by a majority of the members of the Humane Society Board of Commissioners, and the compensation of said three police officers shall be as now fixed by law for other members of the metropolitan police force of such cities.

Power to  
employ.

SEC. 4. *Be it further enacted*, That said Humane Society Board of Commissioners shall have power to employ and pay such other persons as may be necessary for the efficient and satisfactory performance of its duties, except the three police officers

provided for in the preceding section, and said Board is hereby authorized and empowered to confer upon its appointees full police power and authority for the purpose and making arrests for the violations of all city ordinances prohibiting the cruel and inhuman treatment of children and animals; and, in addition, each member of said Board of Commissioners is likewise invested with police power and authority to make arrests for the violation of all municipal ordinances, the cruel and inhuman treatment of children and animals. All fines collected in the City Courts of cities controlled by this Act, or on appeal therefrom in the Circuit Courts, shall be paid to the City Treasurer of said cities, and shall constitute a separate fund, and shall be carried to the credit of the Humane Society Board of Commissioners, and shall be used strictly and exclusively for the purposes of said Board. All donations or contributions made for the purpose of advancing the ends and objects to be attained by said Humane Society Board of Commissioners shall be paid to the City Treasurer of said cities and by him kept separate for the use of said Board, to be used strictly for the ends and objects for which said Board was created. Said Humane Society Board of Commissioners shall likewise submit to the City Council on or before September 1 of each year an itemized statement showing its financial needs for the coming year, and the City Council is hereby authorized and empowered to make provision in its annual levy of taxes for meeting the financial needs of said Board, and raising revenue for such purpose is hereby declared an ordinary purpose within the meaning of the charter of said cities providing for tax levies, and shall be so considered by said City Council. No money shall be drawn from the funds herein provided for the Humane Society Board of Commissioners except on vouchers drawn on said fund and signed by the Chairman of said Board and the Secretary thereof, and all expenditures exceeding five hundred dollars (\$500) shall only be made upon an ordinance, signed by the Chairman of said Board and passed by the City Council of said cities in the manner now provided by law for the passage of other ordinances.

SEC. 5. *Be it further enacted*, That the compensa-Google

Employees'  
salary—how  
fixed.

tion of all employees of said Humane Society Board of Commissioners shall be at such amounts as said Board may determine and fix upon, except the compensation provided for the three extra policemen assigned to said Board and hereinbefore provided for, whose compensation shall be the same as that received by other members of the metropolitan police force.

SEC. 6. *Be it further enacted*, That it shall be the duty of said Humane Society Board of Commissioners to make quarterly reports to the City Council of such cities, which shall contain a full and detailed account of all their acts and doings, their recommendations for the enactment of such further ordinances as will subserve and advance the purposes for which said Board is created, together with a complete and itemized account of all receipts and disbursements.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 15, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 65. .

### HOUSE BILL No. 137.

(By Mr. Stout.)

AN ACT to amend Section 1, Chapter 180, Acts of 1903, being an Act entitled "An Act to protect the fish in any running streams, lakes, or ponds in Johnson County, Tenn., and prohibiting the placing therein of any sawdust, shavings, or off-fallings from sawmills or planing machines."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of Chapter 180 of the Acts of 1903, entitled "An Act to protect the fish in any running streams, lakes, or ponds in Johnson County, Tenn., and prohibiting the placing therein of any sawdust, shavings, or other off-fallings from sawmills or planing machines," be, and the same is hereby amended by adding to said section the following: "*Provided*, that this Act shall not apply to sawmills that do not cut exceeding 2,000 feet of lumber in any one day that is run by water power on any of the streams of Johnson County."

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 15, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 66.

### HOUSE BILL No. 158.

(By Messrs. Galloway and Lipscomb.)

**AN ACT** to amend an Act entitled An Act to regulate the working and laying out and maintaining public roads, and to create a County Road Commission for said purposes in counties of this State having a population of not less than 42,000 nor more than 45,000 inhabitants by the Federal census of 1900 or any subsequent Federal census by broadening the caption and amending certain sections, being Chapter 510 of the Acts of 1907, passed April 11, 1907, and approved April 15, 1907.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the caption of Chapter 510 of the Acts of the General Assembly of the State of Tennessee of 1907, being an Act to regulate the working and laying out and maintaining public roads, and to create a County Road Commission for said purposes in counties of this State having a population of not less than 42,000 nor more than 45,000 inhabitants according to the Federal census of 1900 or any subsequent Federal census be, and the same is hereby, amended by striking out all of said caption after the words "said purposes," and adding in lieu the following: "To abolish the offices of County Workhouse Commissioners, and requiring the County Road Commission to perform the duties heretofore required to be performed by the County Workhouse Commissioners, and to exercise and perform all the duties and exercise all of the powers heretofore required of the Workhouse Commissioners, and authorizing the said County Road Commission to condemn land for road purposes and providing for the payment of the same in counties in this State having a population of not less than 42,000 nor more than 45,000 inhabitants according to the Federal census of 1900 or any subsequent Federal census; to repeal Chapter 541 of the Acts of the General Assembly of the State of Tennessee of 1907 being an Act to regulate the working and the laying out of public roads in this State in the counties containing not less than 42,000 nor more than 45,000

inhabitants by the Federal census of 1900 or any subsequent Federal census."

SEC. 2. *Be it further enacted*, That Section 1 of said Act be, and is hereby, amended by adding to the end of said section the following: "Said County Road Commission, as a body, once a year, and before the time for regular road working, in company with the District Commissioner of any district concerned, after said Commissioner shall have had three days' written notice to attend, shall go over and inspect all the special highways of the county and such parts of the main roads leading most directly from the county seat to the county seats of adjacent counties, as are not chartered toll roads, for the purpose of intelligently expending the special highway fund on said roads, considering the importance and necessity of the various roads and parts of roads in apportioning said fund, and not to apportion by a flat rate per mile. Also to give such directions to the District Commissioners as to their working of said roads, and the removing of all fences or other obstructions from the ditches, in order that they may be opened, and the roads graded and worked by horses and machinery, where it is practicable, rather than with picks and shovels, that the best interests of the roads and general public may be advanced. Said County Road Commissioners shall make to the Quarterly County Court, in each regular session, an itemized report of all funds coming into their hands from any source whatever, and to whom paid out, and for what services performed, and on what roads expended, their report being subject to the approval of said court."

Commissioners  
to inspect  
roads—  
when.

SEC. 3. *Be it further enacted*, That Section 2 be, and is hereby, amended so that after the words "June of each year," in line twenty-two, the following shall be inserted: "For which he shall receive as compensation three cents per capita, and it shall be the duty of the overseer, when he warns in the hands to work the road, to make a supplementary list of all hands in his road bounds, return it to his District Commissioner, that have escaped the District Commissioner, or have moved into his road bounds, unless they prove satisfactorily that they have already performed road service in this State,

for which supplementary list he shall receive the same compensation per capita."

Overseer's  
salary.

SEC. 4. *Be it further enacted*, That Section 2 be, and is hereby, amended so that the entire sentence beginning, in line forty-eight, with the words "the overseer," and ending with the word "road," in line fifty-three, shall be stricken out and the following inserted in its stead: "An overseer shall be paid two dollars (\$2) per day for his services as overseer; but if within road age and subject to road duty, he shall perform as many days' service as overseer, without compensation, on the first road section he works as are assessed to the road hands, but in no case shall he be given more than two sections of road, nor shall any road section be less than two full miles nor more than five miles; nor shall an overseer, except in cases of emergency and when it will be a saving to the county, hire any wagon and team or sell any road material to himself. No person shall be forced to act as overseer against his will for more than two years consecutively."

SEC. 5. *Be it further enacted*, That Section 5, in line thirty-one, be, and is hereby, amended by striking out "eighty cents per day," and inserting "one dollar per day" in its stead.

SEC. 6. *Be it further enacted*, That Section 18 be, and is hereby, amended by striking out all of said section after "enacted" and inserting the following: "That six cents on the hundred dollars, and all the funds collected by the County Judge or Chairman in any way from workhouse prisoners, shall be used by the County Road Commission as they may deem best on the special county highways, being the roads built or being built by the workhouse hands, and the main roads radiating from the county seat, by the nearest route, to county seats of adjacent counties and such other roads as may be designated by the Quarterly County Court in session, also for the purchasing or hiring of proper road working machinery and teams. The above-mentioned funds collected by the County Judge or Chairman shall be turned over by him to the County Trustee, who shall keep this as a special fund for the above-mentioned purpose, but the Trustee shall receive no compensation for collecting the same."



SEC. 7. *Be it further enacted*, That the provisions of this Act shall not apply to counties in this State having a population of less than 42,000 nor more than 45,000 inhabitants by the Federal census of 1900 or any subsequent Federal census.

SEC. 8. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act be, and they are hereby, repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 11, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 15, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 67.

### HOUSE BILL No. 186.

(By Mr. Bennett.)

AN ACT to incorporate the town of Gibson, in the county of Gibson and State of Tennessee, and to define the rights and powers and liabilities of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Gibson; in Gibson County, Tenn., and the inhabitants thereof are hereby constituted a body politic and corporate under the name and style of the "Town of Gibson," and shall have perpetual succession; and by the corporate name may sue and be sued, contract and be contracted with; may grant, receive, purchase, and hold property—real, personal, and mixed—and dispose of same for the benefit of the town, and have and use a common seal; and may own real

Corporate  
boundaries  
of.

estate out of the corporate limits for the purpose of maintaining cemeteries, hospitals, or pesthouses.

SEC. 2. *Be it further enacted*, That the boundaries of said town shall be as follows—to wit:

Beginning north of Gibson on Trenton Road at an elm tree on the line between James L. Morgan's and H. M. Fly's line, running southwest 72 poles to Mrs. J. D. Walker's line to poplar tree on creek; with the creek southwest to ditch 32 poles; with said ditch to culvert on railroad 48 poles, crossing railroad with same ditch on Dr. J. H. Rozzell's land to C. T. Love's land 90 poles; running eastward across C. T. Love's land and across O. D. Stephenson's lot to public road 47 poles, crossing at culvert; thence east through Dr. Hunt's land to an elm tree 84 poles to corner; thence north across Dr. Hunt's land and W. W. McHaney's land to public road at tenant house at telephone [pole] 125 poles; thence northwest through Mrs. R. A. Hill's tract of land to the right of way of Louisville and Nashville Railroad 138 poles, crossing railroad to telegraph pole 4 poles; thence with fence around Louisville and Nashville foreman's residence on north side to north corner 8 poles; west across F. B. Davis' land 48 poles to an oak tree on east bank of Hog Creek; thence west with said creek to J. T. Thorne's corner 34 poles; thence with said Thorne's fence to beginning point 34 poles.

First town  
officers.

SEC. 3. *Be it further enacted*, That the first Mayor, Marshal, and Aldermen of the town of Gibson under this Act shall be the following-named persons—to wit: O. P. Parker, Mayor; C. E. Gateley, Marshal; J. K. Rozzell, J. L. Morgan, J. F. Parker, J. T. Thorne, R. N. James, and H. P. Hale, Aldermen. The aforesaid officers shall meet in the Woodmen Hall, in Gibson, April 1, 1909, and organize by taking an oath before some officer authorized to administer oaths to faithfully discharge the duties of their offices: and, in addition thereto, the Mayor and Marshal will execute bonds in the sum of \$500, and they shall hold their offices and exercise all powers conferred and perform all the duties imposed by this Act until the second Monday in January, 1911, and until their successors are elected and qualified.

SEC. 4. *Be it further enacted*, That the Town Coun-

cil shall consist of a Mayor and six Aldermen, and that on the first Tuesday in January, 1911, and on the same day every two years thereafter an election shall be held in the town of Gibson for the purpose of electing a Board of Mayor and Aldermen and a Marshal for said town, whose terms of office shall begin the second Monday in January thereafter, and who shall serve for a term of two years, and until their successors are duly elected and qualified. All elections for said town shall be held by the Sheriff of said county. The vote shall be by ballot, and all persons entitled to vote in State and county elections, and who shall have been an actual bona-fide resident of the town for six months next preceding the election, and all new residents having an absolute and entire title to, and a bona-fide owner of, real estate with the corporate limits of the town of Gibson, his deed having been recorded for six months next preceding the election, and who shall be otherwise qualified to vote for members of the General Assembly of the State of Tennessee, shall be entitled to vote in all municipal elections.

Election—  
when held.

SEC. 5. *Be it further enacted*, That no person shall be eligible to the office of Mayor, Marshal, or Alderman unless he be a resident within the corporate limits of said town of Gibson and a legally qualified voter in the elections of said town.

SEC. 6. *Be it further enacted*, That the person receiving the highest number of votes for Mayor and Marshal shall be declared elected, and the six persons receiving the greatest number of votes for Aldermen shall be entitled to said offices. In the event of a tie vote for Mayor, Marshal, or Aldermen, the members of the Board elected shall decide the tie without referring the election back to the voters. A vacancy in any of the offices aforesaid shall be filled in the same way—that is, by a majority of the vote of the Mayor and Aldermen.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Mayor to preside at all meetings of the Council, and in his absence the Council may elect one of its members to act in his stead. The Mayor shall see that all the ordinances of the town are enforced.

Duties of  
Mayor.

He shall have and may exercise concurrent jurisdiction within the corporate limits of the town with

the Justices of the Peace in all civil actions and in all cases arising from the violation of the laws of the State of Tennessee, and shall have exclusive jurisdiction of all cases arising from a violation of the town ordinances, by-laws, or regulations, except, *provided* in the absence of the Mayor, or in case he is incompetent to try any case for the violation of an ordinance or by-law of the town, any Justice of the Peace residing within the town may act in his stead, and in such cases any person (who is a party to the suit) being dissatisfied with any judgment rendered by the Mayor may pray [and] obtain an appeal to the next term of the Circuit Court at Humboldt within two days after said judgment is rendered; *provided*, the party praying the appeal shall execute an appeal bond in the sum of \$50, conditioned to abide by and perform the judgment of the appellate court.

That it shall be the duty of the Mayor to keep accurate minutes of all the proceedings of the Board and read the same at the next regular communication of the Board, for their approval, amendment, or rejection. He shall collect all taxes due the corporation of whatever kind; he shall issue all privilege licenses and keep a proper book account of the same, giving the name of the party to whom issued and amount received for same in a well-bound book kept for this purpose; and he shall perform such other duties as by ordinance are required of him.

Duties of  
Town Marshal.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Town Marshal to acquaint himself thoroughly with the laws and ordinances of the town, and he shall rigidly enforce the same, for which purpose police authority is hereby given him, which he may exercise without warrant in hand; and he shall have the power within the corporate limits of the town of Gibson to execute criminal and civil process, and to perform all the duties of a constable, and, in addition to his salary fixed by ordinance, the Town Marshal shall be entitled to charge and collect the fees that are allowed by law to constables for like services.

Power to make  
ordinances.

SEC. 9. *Be it further enacted*, That the Mayor and Aldermen shall have power by ordinance:

1. To levy and collect taxes on all property and

privileges within the corporate limits which, by law, are taxable for State purposes.

2. To provide for the appropriation of all moneys and for the payments for all debts and expenses of the town.

3. To provide for the appointment of such officer, not hereinbefore designated, as may be necessary for the welfare of the town.

4. To open, alter, abolish, widen, extend, grade, pave, and otherwise improve and keep in repair streets, sidewalks, and alleys; to build and keep in repair bridges, sewers, culverts, and ditches.

5. To license and tax and regulate the business of auctioneers, brokers, merchants, bankers, peddlers, livery stable keepers, tavern keepers, etc., and to tax and regulate shows within the town.

6. To prohibit nuisances of whatever nature or character within the corporate limits, and abate the same.

7. To appoint and regulate a police within the town, if deemed necessary; to impose fines for the violation of the by-laws and ordinances of the town, and to provide for the recovery of such fines.

8. To prohibit and remove all encroachments upon any street, alley, or public way established by ordinance or kept up by the town; to provide for the paving, constructing, and repairing all sidewalks, pavements, and gutters at the expense of the owners of the ground fronting thereon; and to provide for charging the cost of making such improvements on the property in front of which it is to be made after due notice to the owner of the property, and such expense shall be a lien on such property, to be enforced by any court of competent jurisdiction.

9. To provide by ordinance for the appointment of a Board of Health in the town, and to define the duties of the same.

10. To prohibit and restrain the sale of intoxicating liquors, beer, ale, and all malt liquors, or giving to or procuring for others the same, either directly or indirectly.

11. To prevent and punish by pecuniary penalty all breaches of the peace, profanity, obscene language, or disturbances in the town.

12. To pass all ordinances not contrary to the Constitution and the laws of the State that may be nec-

essary to carry out the provisions and full intent and meaning of the incorporation; to commit any person or persons who may fail or refuse to pay any fine or cost imposed on him, her, or them by any ordinance of said town to the jail or workhouse of Gibson County until such fine and cost be fully paid or secured. Every person so committed to the jail or workhouse shall be required to work for the town at such labor as his or her strength and health will permit, within or without such workhouse, not exceeding ten hours each day, and for such work the person so employed shall be allowed, exclusive of board, a credit upon such fine and cost of not less than twenty-five cents per day until the whole is paid, when he or she shall be released. Said corporation may enter into an agreement with Gibson County to commit persons to the jail or workhouse of the said county on such terms as may be agreed.

SEC. 10. *Be it further enacted*, That this charter is declared a public Act, and may be read in all the courts of this State without proof.

SEC. 11. *Be it further enacted*, That this Act go into effect from and after its passage.

SEC. 12. *Be it further enacted*, That all laws inconsistent with this charter are hereby repealed.

Passed February 12, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 15, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 68.

### HOUSE BILL No. 58.

(By Mr. Graves.)

AN ACT entitled An Act to change the line between the counties of Knox and Union.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Knox and Union be, and the same is hereby, so changed as to include all of the lands known as the "Hugh Caldwell Farm," and owned by Hugh Caldwell at the time of his death, in the county of Union.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 17, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 69.

### HOUSE BILL No. 110.

(By Mr. Whitfield.)

AN ACT to repeal the charter of the town of Erin, in Houston County, Tenn.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the town of Erin, in the county of Houston, State of Tennessee, issued and granted under the general law, be, and the same is, repealed and abolished.

SEC. 2. *Be it further enacted*, That this Act take effect within thirty days after passage, the public welfare requiring it.

Passed February 15, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 19, 1909.

MALCOLM B. PATTERSON,  
*Governor.*



## CHAPTER 70.

### HOUSE BILL No. 111.

(By Mr. Whitfield.)

AN ACT to incorporate and provide a charter and mode of government for a municipality in the county of Houston, State of Tennessee, to be known as the Town of Erin, and to prescribe punishment for violations of certain charter provisions.

SECTION 1. *Be it enacted by the General Assembly* Town of Erin.  
*of the State of Tennessee,* That the territory hereinafter described in this section and the inhabitants thereof are hereby constituted a body politic and corporate by the name and style of the "Town of Erin," and shall have perpetual succession by that name, and by said corporate name may sue and be sued, plead and be impleaded; may grant and receive, purchase and hold, real estate and personal property, and dispose of same for the benefit of said town; and may have and use a common seal, which it may change at leisure; that the boundaries of the said town shall be as follows:

Beginning at the northeast corner of the Erin Cemetery, running in a westerly direction so as to include the slaughter pen at the old Aleck Carter Spring, continuing in a westerly direction so as to include E. E. Cooley's residence; thence in a southern direction, crossing the Erin and Arlington public road at a point just west of the old Graham Spring, continuing southward, crossing the Louisville and Nashville Railroad at the southwest corner of the Midway Park, continuing southward so as to include Mrs. Marberry's residence; thence in an eastern direction, crossing the Erin and Waverly Road south of John Wofford's residence, including same, continuing eastward and crossing the Nichols' Spring Hollow two hundred feet south of John Love's residence, continuing eastward, crossing J. D. Boone's hollow two hundred feet south of C. D. Gang's residence, continuing eastward to a point directly south of B. A. Boone's east boundary line; thence in a northern direction with B. A. Boone's line to the

Corporate boundaries.

Erin and Cumberland City Road; thence westward with said public road to the old Broaddus Spring; thence in a northwestern direction, including W. T. Nichols' residence to the beginning.

Mayor and  
Aldermen.

SEC. 2. *Be it further enacted*, That the legislative and supervisory power of said town shall be vested in and exercised by a Board of Mayor and Aldermen, elected under the provisions of this Act, over whose meetings the Mayor shall preside. Two-thirds of said Board of Mayor and Aldermen shall constitute a quorum for the transaction of business. Said Board shall elect a Mayor pro tem, who shall act as Mayor in the absence, inability, or sickness of the Mayor. In the event of the death of the Mayor, or a vacancy of the office of the Mayor by removal, resignation, or otherwise, the Mayor pro tem shall succeed to the office for the unexpired term. The Board of Mayor and Aldermen shall be composed of a Mayor and six Aldermen. No more than two of said Aldermen shall be elected from any one ward in said town, who shall be elected for a term of two years at a general election by the qualified voters of the town. If at such a general election there should be a tie, such ties shall be decided by the elected members of the Board at their first regular meeting at which a majority of the elected members are present. The Mayor shall be elected at the same time and in the same manner as the Aldermen are elected, and shall hold his office for a term of two years. No person shall be eligible to the office of Mayor or Alderman unless he shall have been a resident qualified voter of said town at the time of his election. Removal from said town shall vacate the office of the members so removing. The Board shall have authority to fill all vacancies arising in the Board of Mayor and Aldermen.

SEC. 3. *Be it further enacted*, That the Mayor and Aldermen, before entering upon their duties, shall take an oath that they will honestly, faithfully, and impartially perform the duties of their office without fear, favor, or affection.

SEC. 4. *Be it further enacted*, That the said Board in session shall judge of the qualifications and elections of members of the Board and of the Mayor, and shall prescribe rules for the determination of contested elections.

It shall prescribe its own rule of proceedings, the punishment of its members for nonattendance and disorderly conduct, and enforce the same. Two-thirds of the Board concurring may expel a member for disorderly conduct while a member, subject to appeal as hereinafter provided, which vacancy may be filled as other vacancies are filled. A less number than a majority may adjourn from day to day, and, under the provision of ordinances, may compel the attendance of absent members by fines and penalties for all investigation of all charges against its members or other officers and matters pertaining to the town. The said Board shall hold its regular meetings at such times as it may determine, not more than one regular stated meeting in each month.

SEC. 5. *Be it further enacted*, That the Mayor of <sup>Salaries.</sup> said town shall receive such compensation for his services as the Board may fix by ordinance, such compensation not to exceed \$50 per annum. The Board may also by ordinance pay the Chairman of the Street Committee not exceeding \$10 per year. The remaining members of said Board may receive compensation, if so provided by ordinances, not exceeding 50 cents for attendance at each regular meeting; *provided*, that such Aldermen shall receive such compensation for the number of the meetings actually attended; and, *provided, further*, that such Aldermen shall not receive any compensation for attending special or called meetings of the Board. On no cause, account, or pretext whatever, except herein provided, shall the Mayor or the Aldermen be paid any other sums whatever out of the treasury of the town. No member of said Board shall be paid for any service on committee of said Board.

SEC. 6. *Be it further enacted*, That said Board <sup>To enact ordinances.</sup> shall be, and is hereby, empowered to enact such by-laws and ordinances as may be necessary:

1. To preserve the health, quiet, and good order of the town, including such quarantine regulations for two miles outside of the corporate limits as in the opinion of said Board occasion may require.
2. To prevent and remove nuisances.
3. To establish night watches and patrols.
4. To ascertain, when necessary, the boundaries of streets and alleys.

5. To grant privileges in the use and enjoyment of the streets and alleys of said town, and regulate the use and enjoyment thereof by the grantee; *provided*, that the Board shall not grant the exclusive to any one person, firm, or corporation.

6. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair such streets and alleys, pikes, and sidewalks, or to have same done.

7. To levy and collect taxes on all property within the corporate limits taxable by law for State purposes.

8. To appropriate money and provide for the debts and expenses of the town.

9. To prevent by regulations the introduction and spread of contagious or infectious diseases in the town, and to this end may appoint a Board of Health and define its powers and duties, and authorize and empower such Board of Health to make and enforce such quarantine regulations with respect thereto as such Board of Health deems necessary.

10. To erect, establish, and keep in repair bridges, culverts, sewers, and gutters within said town or immediately connected with it.

11. To suppress and prohibit gambling and the sale of intoxicating liquors.

12. To prohibit indecent exhibitions.

13. To provide for the organization and regulation of fire companies and the sweeping of chimneys.

14. To dig wells, cover them, and regulate their use.

15. To impose and collect, through its proper officers, fines and forfeitures for breach or violation of its ordinances or by-laws.

16. To prohibit and suppress all disorderly houses and bawdy houses.

17. To establish fire limits, and to prohibit the erection of wooden buildings in such parts of the town as the Board may deem expedient.

18. To provide for lighting the town, public buildings, and other places, and to this end may make contracts with persons or corporations for the lighting of the town.

19. To provide the town with waterworks or contract with others for water.

20. To establish a system of free schools, levy and

collect taxes in the aid of free schools situated within the corporate limits of said town.

21. To regulate the storage of gunpowder, tar, resin, pitch, and all other combustible material, and the use of lights and stovepipes in all stables, shops, business houses, and all other places.

22. To remove all obstructions from sidewalks, and provide for the construction and repair of all sidewalks and curbstones and streets, and prescribe regulations for the same; to provide for the construction or repair of gutters, sidewalks, and streets at the expense of the owners of lots fronting thereon; and if the owners of any lot fronting thereon fails or refuses to comply with the provisions of any ordinance requiring such owner to build or repair sidewalks or streets after due notice, the town may build or have the same built, and the town shall pay for the same, and the amount so paid shall constitute a lien on said lot or lots, which may be enforced in any court of competent jurisdiction under the proper proceeding brought in the name of said town.

23. To provide for the arrest and confinement until trial of all persons violating the ordinances or by-laws of said town.

24. To regulate, tax, license, or suppress the keeping or going at large of animals within the town or any designated part of it, and to impound any animal or animals, and in default of their redemption pursuant to an ordinance, to sell, dispose of, or kill the same.

25. To commit any person or persons who may fail or refuse to pay or secure any fines and costs imposed upon them or him to the town calaboose or workhouse until such fine and cost are fully paid, secured, or worked out. Fine and cost not paid or secured shall be worked out, and the Recorder shall have the power to commit the person or persons not paying or securing such fines assessed against him or them to the town calaboose or workhouse, and such parties shall be required to work out such fines and costs. In the event of the surety on any fine assessed against parties by the Recorder prove insolvent, which shall be ascertained by the issuance of an execution, and the return thereof nulla bona, such parties shall be liable to arrest and commitment to the calaboose or workhouse and required to

work out such fine and cost due said town and the additional cost accrued. Every person committed for failure to pay or secure fines assessed against them shall be required to work for the town as his or her health will permit at such wages and under such regulations as may be established by ordinance, said work to continue until such fines and costs are fully paid.

26. To pass all laws and ordinances necessary and proper to enforce the powers granted not inconsistent to the Constitution and laws of the United States or the State of Tennessee.

Election—  
when and  
how held.

SEC. 7. *Be it further enacted*, That the Election Commissioners of Houston County or other officials authorized to hold State elections shall hold an election at the most suitable place, to be selected by such officials, in said town on the first Thursday in August, 1910, and every two years thereafter on the first Thursday in August, after giving at least ten days' notice, either by publication or written or printed posters, for the purpose of electing a Mayor and six Aldermen to serve for two years as the Board of Mayor and Aldermen for said town, the expenses of which election shall be paid for by said town; and also at the same time at the expiration of the term of office of the present Justice of the Peace of said town, and at the expiration of the terms of office of all subsequent Justices of the Peace for said town such officials shall hold an election for Justice of the Peace from the town of Erin to serve for the term prescribed by law. Such officials holding said election shall appoint the Officer and three Judges of such election, one of which Judges shall act as Clerk to open and hold such election, who shall be qualified voters of said town, and who shall be sworn and qualified as prescribed by law for such officers in State elections. The voters in such election shall vote by ballot, polls being opened at 9 o'clock A.M. and closed at 4 o'clock P.M. The Officer and Judges of such election shall canvass the vote thereof, and make return to the officials holding the election in the same manner as similar duties are required to be done by Officer and Judges of State election. The officials holding such elections shall then certify the result of the election as shown from the face of the returns to the Board of Mayor and

Aldermen of said town. In case of a tie vote or contested election, the same shall be decided by the Board of Mayor and Aldermen as provided in this Act. The persons elected shall qualify on the first Monday in September following their election, at which time they shall assume the duties of their respective offices; and if any person elected Mayor or Alderman refuses or fails to qualify within thirty days after the first Monday in September following their election, such person shall forfeit all rights under said election, and the vacancy shall be filled as other vacancies are to be filled under the provisions of this Act. The voters shall vote by ballot at such election, and any person entitled to vote for members of the General Assembly under the laws of Tennessee and who shall have been a bona-fide resident of said town for at least three months next preceding the election, and who are otherwise qualified to vote in State elections shall be qualified to vote in municipal elections of said town. Residents of Houston County who are otherwise qualified voters of the State, owning a taxable freehold within the corporate limits of said town, shall be entitled to vote in all municipal elections.

SEC. 8. *Be it further enacted*, That the ballots used in municipal elections held under this Act shall be three inches by seven inches, so as to conform to the ballot used in Houston County in State elections.

SEC. 9. *Be it further enacted*, That said Mayor and Aldermen shall be elected for the term of two years, and until their successors are elected and qualified. Term of office.

SEC. 10. *Be it further enacted*, That if for any cause the said officials authorized to hold such election fail or neglect to hold an election for the aforesaid officers as herein provided at the time designated, they may at any time thereafter open and hold an election for the aforesaid officers, after giving two days' notice as herein provided, and the officers so elected shall serve for the unexpired term.

SEC. 11. *Be it further enacted*, That the Mayor shall preside at all meetings of the Board of Mayor and Aldermen, shall take an oath of office, call special meetings of the Board when he deems the same expedient, see that the corporate laws and ordinances are duly enforced, and issue corporate warrants on the Treasurer when so ordered by the

Board. No warrants on the Treasurer shall be issued until the same has been ordered by the Board. In the absence, resignation, or sickness of the Town Marshal or other officers of said town, he may appoint officers to fill such vacancy or vacancies temporarily. He shall also be empowered to appoint special policemen to assist the Town Marshal when in his opinion the occasion requires, and shall administer to such special policeman the oath of office.

Recorder.

SEC. 12. *Be it further enacted*, That the Board of Mayor and Aldermen shall elect a Recorder, who shall hold office for two years, or until his successor is elected and qualified. Such Recorder, to be eligible to the office, shall be a resident qualified voter of said town.

SEC. 13. *Be it further enacted*, That the Recorder shall enter into bond, to be approved by the Mayor, payable to the town of Erin, in such sum as the Board may prescribe, conditioned upon the faithful collection and accounting for all moneys, fines, and forfeitures as required by law, and shall take an oath for the faithful performance of his duties as such Recorder.

Powers of.

SEC. 14. *Be it further enacted*, That the said Recorder shall be invested with full power and authority to try all offenses for violations of ordinances and laws of said town. He shall also be invested with the powers of a Justice of the Peace to try and dispose of all persons offending against the criminal laws of the State of Tennessee within the limits of said corporation, and bind such offenders over to the Circuit Court of Houston County to answer for such offenses, in which case he shall be allowed the same fees that the Justices of the Peace receive for like services.

SEC. 15. *Be it further enacted*, That the Recorder shall keep the minutes of the meetings of the Board, and shall collect all fines assessed, also all merchants' privilege and ad valorem taxes. On the judgments rendered against offenders against the laws and ordinances of said town and their sureties the Recorder shall be empowered to issue executions thereon, and collect cost [for] such services as are allowed Justices of the Peace for similar services. Upon the return of any such execution nulla bona, the Recorder shall issue a warrant of arrest for the



principal in such judgment, who, upon arrest, shall be dealt with in the manner prescribed in this Act.

SEC. 16. *Be it further enacted*, That the Recorder shall have authority to commit to the calaboose or workhouse those convicted of violations of corporate ordinances who fail or refuse to pay or secure the fines and costs so adjudged by the Recorder, said offenders to be disposed of in the manner prescribed in this Act.

SEC. 17. *Be it further enacted*, That the Recorder of said town shall receive such salary for his services as may be designated by the said Board.

SEC. 18. *Be it further enacted*, That the Board of Mayor and Aldermen shall elect a Treasurer of said town, who shall be elected from said Board, and who shall hold his office for two years, or until his successor is elected and qualified, who shall take an oath of office for the faithful performance of his duties as such Treasurer, and shall execute bond, payable to the town of Erin, in such sum as may be required by the Board, conditioned upon the faithful performance of his duties as such Treasurer in the collection and accounting of all moneys of said town coming into his hands. Treasurer.

SEC. 19. *Be it further enacted*, That it shall be the duty of the Treasurer to receive from the Recorder and other persons having corporate funds all moneys belonging to said corporation, and shall pay out corporate funds only on warrants signed by the Mayor, and shall make such reports of the same as the Board may order. Duties of.

SEC. 20. *Be it further enacted*, That said Board shall also elect a Town Marshal to hold his office for such time as the Board may prescribe, and not to extend beyond the expiration of the term of office of the members of said Board, or until his successor is elected and qualified, who shall make bond, payable to the town of Erin, to be approved by the Mayor, in such sum as the Board may prescribe, conditioned upon faithful performance of his duty as Town Marshal. Town Marshal.

SEC. 21. *Be it further enacted*, That it shall be the duty of the Town Marshal to arrest all violators of the ordinances and laws of said town or State of Tennessee and bring them before the Recorder for trial. Said Town Marshal or other policemen of Duties of.

said town shall have the right to make arrest within the limits of said corporation for violations of the ordinances and the laws of said corporation with or without warrants, and such arrest may also be made within one mile of the nearest corporate boundary. The Town Marshal or policeman, on making an arrest, is authorized to take bond from the party arrested, with surety, deemed good for his appearance for trial at the next trial day for such sum as he may deem expedient, not to exceed \$100. Such Town Marshal is also authorized to receive in lieu of such bond a deposit of money for the appearance of such party for trial as aforesaid in an amount not exceeding \$50; *provided*, this shall not apply in felony cases. The bond for appearance as so taken shall be payable to the town of Erin. In case the Town Marshal or any policeman of said town make an arrest for drunkenness, or in the case of the failure of such persons arrested or inability to furnish bond for their appearance before the Recorder for trial, or make deposit of money in lieu of such bond, such officer shall commit such offender to the jail or calaboose, to be brought at designated time before the Recorder for trial.

To execute  
warrants.

SEC. 22. *Be it further enacted*, That the Town Marshal shall have authority to execute warrants issued for violations of the criminal laws of the State, and shall have the power to make arrests for such violations, and to this end he is invested with all of the powers of a constable. Such Town Marshal is also authorized and empowered to execute all civil or criminal process issued by the Recorder.

SEC. 23. *Be it further enacted*, That any person dissatisfied with the judgment of the Recorder of such town shall have the right to appeal from such judgment to the next term of the Circuit Court of Houston County upon his executing a bond for the faithful prosecution of such appeal; or in event of failure to pay the amount of the judgment rendered against him and all costs, including the costs of the appeal, which bond shall be approved by and filed by the appellant with the Recorder, the trial in the Circuit Court shall be de novo. No appeal shall be allowed on the pauper oath.

Salaries—how  
fixed.

SEC. 24. *Be it further enacted*, That the Treasurer, Town Marshal, and policeman and all other officers

of said town of Erin shall receive such compensation for their services as the Board may prescribe under the limitations of this Act, which compensation shall neither be increased nor diminished during their term of office.

SEC. 25. *Be it further enacted*, That the Board shall have full power and authority to dismiss or remove any officer or agent appointed or elected by the Board for incompetency or for any violation, neglect, or disregard of the duties imposed upon them by the laws and ordinances of said town or for any misconduct in office, and a majority of said Board voting affirmatively can effect such dismissal. Two-thirds of said Board voting affirmatively may expel one of their own number from membership of said Board for misfeasance or malfeasance in office or for disorderly conduct; but before such member of said Board shall be expelled, charges must be preferred against him in writing and served on him at least five days, together with a notice of the time and place of trial, and he shall be allowed to make defense thereto. In all trials the Mayor shall preside, except when charges are preferred against him, in which case the Mayor pro tem shall preside. No member who is being tried on such charges shall be competent to vote on the matters at issue. In event of judgment of removal being pronounced by the Board in such case, the member so removed shall have the right to appeal to the next term of the Circuit Court of Houston County on his executing bond in the sum of \$500, with good and solvent sureties, payable to the town of Erin, and conditioned to prosecute his appeal successfully, on failure so to do to pay all costs adjudged against him. There shall be no appeal in such cases on the pauper's oath.

Officers—how  
and when  
removed.

Any Town Marshal or policeman removed from office may take his case to the Circuit Court on certiorari, where the matter shall be tried de novo.

Appropriations—how  
made.

SEC. 26. *Be it further enacted*, That no appropriation of money or order involving it to the amount of \$50 or over shall be made unless the ordinance authorizing it be read once at two separate meetings and passed on second reading by a majority of said Board. All appropriations of less than \$50 may be made at one meeting on one reading.

Taxes—how  
assessed and  
collected.

SEC. 27. *Be it further enacted*, That the Mayor and Aldermen shall have the power to collect the corporate taxes assessed either through their own officers or through the County Trustee of Houston County as they may prescribe by ordinance. The property in said corporation may be assessed for taxation by an officer selected by the Board of Mayor and Aldermen, or the Board may adopt the assessment of such property made by the county officials as the corporation assessment. The valuation placed on property within the corporate limits shall not exceed the valuation placed thereon by the State or County Tax Assessors. Said Board is hereby prohibited from levying a higher tax than one dollar on the \$100 worth of taxable property for all corporate purposes; *provided*, said Board may levy and collect an additional special tax for public-school purposes not exceeding 25 cents on the \$100 worth of taxable property. The ad valorem tax on merchants shall be at the same rate as other property is taxed.

Warrant.

SEC. 28. *Be it further enacted*, That every warrant issued by the Mayor on the Treasurer shall show on its face for what purpose the same was issued; and no warrant on the Treasurer shall be issued by the Mayor until the same shall have been ordered by the Board.

SEC. 29. *Be it further enacted*, That all privilege license shall be issued by the Recorder and countersigned by the Mayor.

To appoint  
officers—  
when.

SEC. 30. *Be it further enacted*, That said Board of Mayor and Aldermen may elect or appoint whatever other officers or agents for said town as in their discretion the best interests of the town require, and provide for the compensation of such officers or agents.

SEC. 31. *Be it further enacted*, That in the absence, incompetency, or sickness of the Recorder, the Mayor shall try all offenders for violations of corporate ordinances; and in the absence, incompetency, or sickness of both Recorder and Mayor, any Alderman designated by the Mayor shall act as Recorder.

To open  
streets, etc.

SEC. 32. *Be it further enacted*, That the Board of Mayor and Aldermen shall have full power and authority to open and extend streets and alleys for public purposes in the manner and form now pro-

vided by law for the exercise of the rights of eminent domain, and shall pay such damages and compensation for property taken therefor as may be fixed and adjudicated under such proceedings.

SEC. 33. *Be it further enacted*, That the corporation of the territory hereinbefore described and the inhabitants thereof into a municipal corporation shall not annul the contracts of the former municipality, but the town of Erin herein incorporated and granted this charter shall stand in the room and place of the former municipality in respect to said contracts; but it is not intended by these provisions nor by any other provision of this charter to merely amend former laws incorporating the town of Erin, but to create a new municipality under a new charter, so as to enable the town of Erin to obtain all of the benefits of what is known [as the] "Pendleton Law," as well as other benefits conferred under this charter, and the same shall be construed so as to make effective this declared intention.

SEC. 34. *Be it further enacted*, That the Board of Mayor and Aldermen elected for the town of Erin, held the first Wednesday in June, 1908, shall hold their offices until the first Monday of September, 1910, and until the new officials are elected and qualified.

SEC. 35. *Be it further enacted*, That all assets, uncollected taxes, choses in action, unpaid fines, and property, real and personal, of every fund that may belong to the Board of Mayor and Aldermen of the town of Erin at the time such municipality ceases to exist shall be, and is by this Act, transferred, and shall, and coming into effect of this Act, thereafter belong to and be owned by the municipality created by this Act, and the debts of said municipality shall likewise be assumed and paid by the town of Erin herein created and chartered.

SEC. 36. *Be it further enacted*, That the Mayor and other officers of the present municipality shall deliver and turn over to the officers of the town of Erin elected under the provision of this Act, upon their qualification or as soon thereafter as may be practicable, all property, assets, evidences of indebtedness, moneys on hand, as well as all books and records of their possession and under their control.

SEC. 37. *Be it further enacted*, That the Board of

To turn over  
books, etc.

Mayor and Aldermen are forbidden to make any appropriation or subscribe to the stock in any railroad company or any other corporation, except under the general laws of the State, or give or lend money, aid, or credit to any person or corporation whatever, and they are hereby prohibited to employ or appropriate the revenue and taxes in any other manner than for purposes strictly municipal and according to the provisions of this Act.

Committees.

SEC. 38. *Be it further enacted*, That the Board of Mayor and Aldermen shall by ordinance determine the number of standing committees, the number composing each committee, and shall designate the character and duties of each committee. The Mayor shall appoint said committees annually and designate the chairman of each. Said committee shall be appointed as soon as practicable after the election and organization of the Board of Mayor and Aldermen. The Mayor shall be a member, ex officio, of all standing committees, but he shall not be entitled to a vote, except in cases of a tie.

SEC. 39. *Be it further enacted*, That the Board of Mayor and Aldermen shall not exempt any property from taxation not exempt from State taxation.

Form of ordinance.

SEC. 40. *Be it further enacted*, That the ordinances shall begin by an enacting clause as follows, "Be it ordained by the Board of Mayor and Aldermen of the town of Erin;" shall at the end of the Act contain the provisions that: "This ordinance shall take effect on and after its passage, the welfare of the town requiring it." Otherwise it shall not take effect until twenty days after its passage.

SEC. 41. *Be it further enacted*, That no appropriations for work or other improvements shall be made without the object is fully stated in the order making such appropriation.

SEC. 42. *Be it further enacted*, That this Act is declared to be a public Act, and may be read in evidence in all courts of law and equity, and all ordinances, resolutions, and proceedings of the Board of Mayor and Aldermen may be proved by the seal of the corporation. The same shall be received in evidence in all courts and places when attested by the Recorder, printed and published by authority of the corporation and certified by the Recorder.

SEC. 43. *Be it further enacted*, That it is hereby made the duty of the police force at all times of the day and night and the members thereof accordingly appointed [to] especially preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect the rights of persons and property, see that nuisances are removed, suppress and restrain disorderly houses, houses of ill fame, and gambling houses; to assist, advise, and protect strangers and travelers in public streets and public places; enforce every law relating to the suppression and punishment of crime, the protection of public health, or disorderly persons or any ordinances or resolutions of the Board of Mayor and Aldermen, and in relation to public health and criminal procedure.

Duties of  
police.

SEC. 44. *Be it further enacted*, That all ordinances and resolutions of the old municipality heretofore existing and not in conflict with this charter or existing law shall be and remain in full force and effect as the ordinances and resolutions of the new municipality of the Board of Mayor and Aldermen of the town of Erin created herein until modified or repealed by the Board of Mayor and Aldermen; *provided*, that no ordinance or resolution or order or the act of any officer shall license or permit the sale of intoxicating liquors, wine, ale, or beer within four miles of any schoolhouse situated within the corporate limits of said municipality.

SEC. 45. *Be it further enacted*, That this Act take effect within thirty days after the passage of this Act.

Passed February 15, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 71.

### HOUSE BILL No. 149.

(By Hamilton County Delegation.)

AN ACT to authorize Hamilton County to issue and sell its coupon bonds to an amount not exceeding one hundred and fifty thousand dollars (\$150,000), one hundred thousand dollars (\$100,000) of the proceeds of which are to be used for erecting, furnishing, and equipping school buildings for said county, and for the purpose of discharging any indebtedness occasioned therefor, which fund is to be used by the County Board of Education of said county having in charge the grammar schools of said county; and fifty thousand dollars (\$50,000) of the proceeds of which are to be used for a like purpose by the County Board of Education of said county having in charge the high schools of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Hamilton be, and it is hereby, authorized and empowered in its corporate capacity to issue and sell its coupon bonds, to be signed by the County Judge and countersigned by the County Court Clerk of said county, in an amount not exceeding the sum of one hundred and fifty thousand dollars (\$150,000), one hundred thousand dollars (\$100,000) of the proceeds of which are to be used for erecting, furnishing, and equipping, school buildings for said county and for the purpose of discharging any indebtedness occasioned therefor, which fund is to be used by the County Board of Education for said county having in charge the grammar schools of said county; and fifty thousand dollars (\$50,000) of the proceeds of which are to be used for a like purpose by the County Board of Education of said county having in charge the high schools of said county; *provided, however*, that said bonds shall not be issued until two-thirds of the members of the Quarterly Court of said county shall, by resolution, so determine.

Bonds—  
amount of.

Denomination  
of.

SEC. 2. *Be it further enacted*, That said bonds and interest shall be payable in lawful money of the United States; shall be executed in denominations of one hundred dollars (\$100), or multiples thereof, no single bond to exceed one thousand dollars (\$1,-



000), and shall run for a period not to exceed twenty years from the date of issuance thereof, and shall bear a rate of interest not to exceed five per cent per annum, as the Quarterly Court of Hamilton County shall, by resolution, determine, said interest to be payable semiannually, with semiannual coupons attached, and in no case shall said bonds be sold for less than par.

SEC. 3. *Be it further enacted*, That it shall be the <sup>Sinking fund.</sup> duty of the Quarterly Court of Hamilton County, for the year during which said bonds shall be sold or disposed of and for each succeeding year thereafter, to make provisions in the tax levy for the interest to become due on said bonds as may be issued under the authority of this Act, and for a sinking fund which will be sufficient, with its accumulations, as nearly as may be estimated, to meet the principal indebtedness at its maturity; and the Sinking Fund Commissioners of Hamilton County shall have charge of the sinking fund to be raised for the bonds hereby authorized to be issued.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 13, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 72.

### HOUSE BILL No. 180.

(By Messrs. Galloway and Lipscomb.)

AN ACT to be entitled An Act to protect fish and preserve them; to regulate the taking of fish, the manner and time of taking fish; and to prohibit the taking of fish by professional fishermen for sale; and to provide penalties for the violation of the provisions of this Act in counties in this State having a population of not less than 42,000 nor more than 45,000 inhabitants by the Federal census of 1900 or any subsequent Federal census; and to repeal any laws in conflict with this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be unlawful for any professional fisherman or fishermen to take fish for sale, in any manner, regardless of any permit or license received after the date on which this Act goes into effect; and, on conviction for any violation of the above provision, the penalty shall be not less than twenty-five dollars nor more than fifty dollars for each offense.

SEC. 2. *Be it further enacted*, That citizens of said counties may take fish for their own use with rod and line, trotline, or with their hands at any time in all the streams of said counties. In Duck River it shall be lawful also to take fish with seines, with meshes not less than 1¼ inches and not more than twelve (12) feet in length, but the fishing with seines as above described shall not be lawful in other streams during the months of April and May. Any violation of the above provision shall be punished by a fine of not less than ten dollars nor more than twenty dollars for each offense.

SEC. 3. *Be it further enacted*, That the enforcement of the provisions of this Act be, and is hereby, left under the Game and Fish Wardens of said counties as now provided by law, and that all laws and parts of laws in conflict with this Act be, and are hereby, repealed where said conflict exists, and that the provisions of this Act shall not apply to counties in this State having a population of less than 42,000 nor more than 45,000 inhabitants according to the

Federal census of 1900 or any subsequent Federal census.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 13, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 19, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

## CHAPTER 73.

### HOUSE BILL No. 187.

(By Hamilton County Delegation.)

AN ACT to empower the County Court in each county of this State having a population of not less than 60,000 and not more than 100,000 under the Federal census of 1900 or any subsequent Federal census to provide and appropriate money for the purpose of aiding in the maintenance of any free public library and reading room established by any municipality within the limits of such county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court in and for each county in this State having a population of not less than 60,000 and not more than 100,000, under the Federal census of 1900 or any subsequent Federal census, is hereby authorized and empowered to levy a tax and make an appropriation of money each year to aid in the maintenance of any free public library and reading room which has been or may be duly established by any municipality within the limits of such county.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 13, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 74.

### HOUSE BILL No. 188.

(By Hamilton County Delegation.)

AN ACT entitled An Act to amend Chapter 352 of the Acts of the General Assembly of the State of Tennessee, published for the year 1899, which Act was approved April 21, 1899, being an Act entitled "An Act to create the office of County Attorney of Hamilton County, and to prescribe the duties thereof," so as to strike out the following words in the first section of said Act—to wit: "And shall not be increased or diminished during his term of office."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Chapter 352 of the Acts of the General Assembly of the State of Tennessee, published for the year 1899, which Act was approved April 21, 1899, being an Act entitled "An Act to create the office of County Attorney of Hamilton County, and to prescribe the duties thereof," be, and the same is hereby, amended so as to strike out the following words in the first section of said Act—to wit: "And shall not be increased or diminished during his term of office."*

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed February 13, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 75.

### HOUSE BILL No. 214.

(By Mr. Lockert.)

AN ACT to be entitled An Act to amend Chapter 420 of the Acts of 1907, the same being House Bill No. 817, so as to make Section 8 apply to Cheatham County instead of Washington County by striking out "Washington" and inserting "Cheatham."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 8 of Chapter 420, House Bill No. 817 of the Acts of 1907, be, and the same is hereby, amended by striking out "Washington" and inserting "Cheatham," so as to make Section 8 apply to Cheatham County instead of Washington County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 17, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 76.

### HOUSE BILL No. 230.

(By Mr. Phillips.)

AN ACT to authorize the Quarterly County Court of Hickman County, Tenn., to issue and sell coupon bonds to pay the indebtedness of the county, consisting of bridge, jail, and other warrants; and to provide a sinking fund for the payment of the interest on said bonds, and also for the payment of the principal thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Quarterly County Court of Hickman County, Tenn., be, and the same is hereby, empowered at any term of said Quarterly Court to authorize and provide for the issue of coupon bonds for the purpose of paying off the outstanding indebtedness of the county, consisting of bridge, jail, and other warrants now outstanding, but said issue of bonds shall not exceed the sum of fifty thousand dollars (\$50,000), in the aggregate, and to bear interest not exceeding four and one-half per cent, payable semiannually, and said bonds to be due in not more than twenty years from the date of issue, and to be sold for not less than par. Said bonds are to be signed by the County Judge and countersigned by the County Court Clerk of said county, and the official seal of the latter attached thereto, and said bonds shall recite on their face that they are issued in pursuance to this Act, and they shall not be issued for any other purpose than herein expressed. Said bonds shall be numbered consecutively and payable in the lawful currency of the United States at such time not to exceed twenty years from the date of their issuance, and for such amounts and at such place as the purchasers and the representatives hereinafter designated of the County Court may determine. Bonds—  
amount of.

The County Court is authorized to pay the necessary expenses in the issuance and sale of said bonds.

SEC. 2. *Be it further enacted*, That upon the issuance of said bonds they shall be a binding obligation Sinking fund.

and debt upon said county, and the said County Court shall levy annually a tax for the purpose of paying the interest on said bonds as it becomes due and to create a sinking fund with which to retire and pay off said bonds when they become due. Said bonds shall have attached to them coupons for the semiannual interest upon the same for each of the years they have to run, showing on their face the number and amount of the bonds to which they are attached, the amount of each semiannual installment of interest on said bond, and when the same shall be due, which coupons shall be signed in the same manner as said bonds, except that the seal of the County Court need not be affixed thereto, and the signature of the County Judge and the Clerk of the County Court may be lithographed on said coupon.

SEC. 3. *Be it further enacted*, That the Quarterly Court of said county may from time to time take such steps and make such regulations as it may deem best looking to the loaning out, securing, and investing and collecting the sinking fund herein provided for, to the end that the same may be applied to the purposes provided for in this Act.

Sale of.

SEC. 4. *Be it further enacted*, That said bonds shall be sold only for cash under and by the direction of the County Judge, County Court Clerk, and the County Trustee of said county, and the funds arising from the sale of the same shall be paid into the hands of the said County Trustee, who shall immediately advertise for two weeks for the holders of all outstanding warrants referred to in this Act to present said warrants at his office for payment, said date for payment to be not later than ten days from the date of the last insertion of said advertisement; and if said warrants are not presented by said date, then the interest on the same shall cease, the advertisement to be made in a newspaper published in said county. Before receiving the funds arising from the sale of said bonds, or taxes for the payment of the same, or interest thereon, the Trustee shall enter into bond in such sum as the County Court in quarterly session may determine, with good and solvent security, to be approved by the County Judge, conditioned for the faithful keeping, disbursing, and accounting for said funds, and for the full perform-



ance of all his duties as such Trustee relative to said funds, and the said Trustee is not to receive any compensation or commission for receiving and disbursing the funds derived from the sale of the said bonds.

SEC. 5. *Be it further enacted*, That the County Judge of said county shall keep in his office in a well-bound book a record of the number and denomination of said bonds issued under this Act, and the aggregate sum thereof, which shall at all times be subject to inspection by members of the County Court and the public. The whole amount of bonds authorized to be issued under this Act need not be issued at one time, but may be issued in such sum and at such times as the Quarterly County Court may determine, but the total amount so issued is not to exceed fifty thousand dollars (\$50,000).

Record of  
bonds kept.

SEC. 6. *Be it further enacted*, That the said County Trustee shall keep a separate account of the special tax levied and collected under this Act, and after paying the interest on said bonds semiannually he shall retain the remainder thereof each year as a sinking fund for the purpose of paying off and retiring said bonds.

SEC. 7. *Be it further enacted*, That the County Judge of said county shall, within sixty days immediately preceding the maturity of said bonds or any of them, give notice to the holders thereof through some newspaper published in Centerville, Tenn., for a period of thirty days, stating in said notice the number of said bonds and when they shall become due, and requesting the same to be presented for payment or redemption on said date at the place designated in said bonds; and if said bonds are not presented for payment or redemption at the time and place so designated, then the interest thereon shall cease.

Notice to be  
given of  
maturity.

SEC. 8. *Be it further enacted*, That the County Judge of said county may, at any time after five years from the date of issuance of said bonds, give notice to the holders thereof through some newspaper published at Centerville, Tenn., for a period of thirty days, stating in said notice the number of said bonds, and requesting the same to be presented at the place designated in said bonds for redemption on the date specified in said notice; and if said bonds are not presented for redemption at the time and

place so designated, then the interest thereon shall cease.

SEC. 9. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 13, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 77.

### HOUSE BILL No. 256.

(By Mr. Newport.)

AN ACT to authorize the town of Henning, Tenn., to issue bonds for the purpose of improving and furnishing the present school buildings, or for the purpose of buying a new site and erecting thereon a new building or buildings and furnishing and equipping the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act it shall be lawful for the Board of Mayor and Aldermen of the town of Henning to issue coupon bonds in the manner and under the restrictions hereinafter provided in the sum of not to exceed fifteen thousand dollars; *provided*, said bonds or their proceeds shall be used exclusively for the purpose of improving and furnishing and equipping the present school buildings and property, and for the purpose of purchasing a new site, erecting a new building or buildings thereon, furnishing and equipping the same in such manner as may be determined by the corporate authorities of said town.

SEC. 2. *Be it further enacted*, That all bonds is-

sued under this Act shall be of such denomination, bear such rate of interest (not exceeding six per cent per annum), be due in thirty years from date; and be payable, both principal and interest, at such time and place as the corporate authorities may determine, and be payable in lawful money of the United State. The said town of Henning may retain the right to call in and pay off the principal of said bonds at any time after ten years from date of their issuance, said call to be made by order of said Board of Mayor and Aldermen, and be posted at the courthouse in Ripley, Tenn., or published in four consecutive issues of some newspaper published in the county of Lauderdale, and no interest shall accrue on the bonds so called after the expiration of thirty days after the termination of the publication so made.

Denominations of.

SEC. 3. *Be it further enacted*, That the bonds provided for in this Act shall in no case be sold for less than par or face value, and no commission whatever shall be paid for the sale of said bonds.

SEC. 4. *Be it further enacted*, That said Board of Mayor and Aldermen shall provide and levy by ordinance a tax upon all the taxable property and privileges in said town of Henning to pay the interest on said bonds as the same accrues, and in like manner provide a sinking fund wherewith to retire said bonds by levying a special tax in addition to the tax that can now be levied under the charter powers of said town, to be designated as the "sinking-fund tax," both said interest and said sinking-fund tax not to exceed twenty-five cents on the one hundred dollars, the tax to be levied, collected, and used exclusively for the purposes levied.

Sinking fund.

SEC. 5. *Be it further enacted*, That said bonds shall not be issued unless so ordered by vote of the majority of the qualified voters of said town of Henning voting at an election to be held for that purpose by order of the Board of Mayor and Aldermen of said town of Henning. Said election shall be held at any time or as many times as said Board of Mayor and Aldermen may deem necessary, and the said Board of Mayor and Aldermen may submit the question of an issuance of a portion of said bonds at one election and another portion at another election until the whole amount of said bonds herein provided

Bonds—when issued.

Election—how  
held.

for are ordered to be issued. At least thirty days' notice should be given of any election ordered to be held under this Act by publication in some newspaper in Lauderdale County, being the county in which said town of Henning is situated, there being no newspaper published in said town of Henning; and those voting for the proposition shall have written or printed on their ballots "For Bonds," and those voting against the proposition shall have written or printed on their ballots "Against Bonds;" and if a majority of the votes cast in the election shall be for the proposition, bonds to the amount specified in this ordinance, or such part thereof as shall be necessary to carry out the purpose of this Act, shall be issued. If any proposition be defeated at an election held to test the will of said voters in reference thereto, then it shall be resubmitted at any time after the expiration of six months. Said election or elections shall be held at such time or times as said Board of Mayor and Aldermen may designate; shall be held at the same place and by such officers as other corporate elections of said town of Henning are held and within the hours.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with this Act are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 78.

### HOUSE BILL No. 270.

(By Messrs. Dixon and Moore of Haywood.)

AN ACT to amend an Act entitled "An Act to incorporate the town of Brownsville, in Haywood County, Tenn.," the same being Chapter 174 of the Acts of Tennessee of 1903, passed March 16, 1903, by expressly providing that the Board of Mayor and Aldermen of the town of Brownsville shall have no right or power to lease or sell the waterworks plant of said town unless at an election herein provided for and held for that purpose a majority of the qualified voters of the town shall vote in favor of such lease or sale; and to provide that such lease or sale may be made after such election, if the vote is favorable to such lease or sale, after certain advertisements herein provided for.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 174 of the Acts of 1903 entitled "An Act to incorporate the town of Brownsville, in Haywood County, Tenn.," passed March 16, 1903, be, and the same is hereby, amended by expressly stipulating and providing as follows: "That the Board of Mayor and Aldermen of the town of Brownsville shall have no right or power to lease or sell the waterworks plant of said town without first submitting the question as to the lease or sale to the qualified voters of said town at an election to be held for that purpose as hereinafter stipulated and provided, and unless a majority of the qualified voters of said town shall have voted at such election in favor of such lease or sale."

SEC. 2. *Be it further enacted*, That the Board of Mayor and Aldermen of said town may pass an ordinance ordering an election to be held after thirty days' notice thereof shall have been published in some newspaper published in said town to ascertain the sense of the qualified voters of said town as to whether the Board of Mayor and Aldermen of said town shall lease or sell said waterworks plant, the ordinance and notice of election expressly stipulating and providing whether a lease or a sale of the waterworks plant is proposed to be made. The said election shall be held in conformity with said charter

and under the general election laws controlling the holding of the regular city elections for Mayor and other officers of said town. The ballots to be used at such election shall have printed on them the words "For the Lease" or the words "For the Sale," the word "lease" being used on the ticket if a lease is proposed, and the word "sale" being used on the ticket if a sale is proposed; and the words "Against the Lease" or the words "Against the Sale," the word "lease" being used on the ticket if a lease is proposed, and the word "sale" being used on the ticket if a sale is proposed; and those voting in favor of the lease or sale, as the case may be, shall have on their ballots a cross mark opposite the words "For the Lease" or "For the Sale," as the case may be, and those who oppose the lease or sale, as the case may be, shall have on their ballots a cross mark opposite the words "Against the Lease" or the words "Against the Sale," as the case may be; *provided*, a majority of the qualified voters of said town shall at such election vote in favor of the lease or the sale, as the case may be, then the Board of Mayor and Aldermen of said town may, after advertising said waterworks plant for lease or for sale, as the case may be, for thirty days in some newspaper published in said town of Brownsville, proceed to lease or sell said waterworks plant according to the proposition which may have been voted upon to the highest and best bidder. But in the event at such election the proposition to lease or sell shall fail to carry, as above stipulated and provided, no lease or sale shall be made.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 13, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 79.

### HOUSE BILL No. 285.

(By Mr. Chrisman.)

AN ACT amending an Act entitled "An Act to provide more just and equitable laws for the assessment and collection of revenue for State, county, and municipal purposes; and to repeal all laws in conflict with the provisions of this Act whereby revenue is collected from the assessment of real estate, personal property, privileges, and polls," so as to provide for and authorize the payment of a salary of eighteen hundred dollars per annum out of the county treasury to County Tax Assessors in counties having a population of not less than 26,424 and not more than 26,430 according to the Federal census of 1900 or any subsequent Federal census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Subsection 5 of Section 9 of an Act entitled "An Act to provide more just and equitable laws for the assessment and collection of revenue for State, county, and municipal purposes; and to repeal all laws in conflict with the provisions of this Act whereby revenue is collected from the assessment of real estate, personal property, privileges, and polls," passed April 12, 1907, and approved April 15, 1907, be, and the same is hereby, amended by adding thereto the following words: "In counties having a population of not less than 26,424 and not more than 26,430 according to the Federal census of 1900 or any subsequent Federal census the County Assessor shall be paid out of the county treasury a salary of eighteen hundred dollars per annum."

SEC. 2. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed February 16, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 19, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

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## CHAPTER 80.

### HOUSE BILL No. 65.

(By Mr. McLaughlin.)

AN ACT to authorize, empower, and enable Davidson County to issue and sell bonds for the purpose of completing the bridge which said county is building and constructing across Cumberland River, in the city of Nashville, Tenn.; and to provide for the payment of said bonds and the interest thereon.

Bridge bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Davidson County through its County Court in any quarterly or special session assembled, be, and it is hereby, authorized, empowered, and enabled to issue bonds of the county for the purpose of completing the two bridges which said county is building and constructing across Cumberland River, in the city of Nashville, Tenn., on at what is known as the "Jefferson Street site," and one at or near what is known as the "Haymarket site," in an amount not exceeding two hundred and fifty thousand dollars (\$250,000), bearing interest at a rate of not exceeding five (5) per centum per annum, payable semiannually or annually, as said County Court may direct, and said bonds to be payable in a period from one to forty years, and said bonds and interest shall be payable in lawful money of the United States.



SEC. 2. *Be it further enacted*, That said bonds shall be executed in the name of "Davidson County," and shall be signed by the County Judge or Chairman of the County Court of Davidson County, and countersigned by the Clerk of said court, with his official seal affixed to the same, and said bonds shall be in such denominations as said court may direct, not less than one hundred dollars (\$100) each, and shall be numbered consecutively in the order of issuance, beginning with "1." Denomination  
of.

SEC. 3. *Be it further enacted*, That each of said bonds shall have attached to it interest coupons, showing the amount of each annual or semiannual installment of interest on said bonds, and when the interest shall fall due, and said coupons shall bear the lithographed signature of the County Judge, but not the official seal of the Clerk, and shall show on their face the number of the bond to which they are attached; and the County Judge or Chairman of the County Court of said county shall keep in a well-bound book a record of the number and denominations of all said bonds issued, to whom issued, and also of all bonds and interest coupons redeemed or paid, and he shall make settlement with the County Trustee upon the receipts and disbursements in the same manner as provided for settlement in regard to other county funds. Coupons.

SEC. 4. *Be it further enacted*, That the County Court in any quarterly or special session assembled shall have the authority to fix and determine when said bonds shall be redeemed, and upon what notice; but the time of redemption of said bonds shall be fixed and determined by resolution entered upon the minutes before the issuance and sale of said bonds, and the publication of the notice prescribed by said court shall prevent the accrual of interest thereafter.

SEC. 5. *Be it further enacted*, That the County Court in any quarterly or special session assembled shall have the authority to take such action as may be necessary for the construction and completion of said bridges and the issuance and sale of said bonds, and that the action of said County Court shall be by resolution, which shall be entered on the minutes of said court.

SEC. 6. *Be it further enacted*, That it shall be the duty of the County Court, and it shall have the au- sinking fund  
tax.

thority, to levy a tax on all taxable property, privileges, and polls of said county for the purpose of paying the annual or semiannual interest on said bonds and for the purpose of creating a sinking fund to pay the bonds when due, and said Trustee of said county shall collect and account for the taxes herein authorized in the same manner as he is required by law to collect and account for other taxes, and shall receive the same compensation that he receives for the collection of other taxes; and the County Court may, if it deems proper, require said Trustee to give additional bond for the performance of his duties in accounting for and collecting said funds.

SEC. 7. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 81.

### HOUSE BILL No. 328.

(By Messrs. Chestnut and Brooks of Hawkins.)

AN ACT to authorize and empower the County Court of Hawkins County to divert and apply all that part of the county tax proper arising from the assessment of railroads in Hawkins County to the payment of the principal or interest of any turnpike bonds said county may now or hereafter owe.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of Hawkins County, in quarterly session assembled, be, and it is hereby, authorized and empowered by order spread upon its records to divert and apply all that part [of] the county tax proper arising from the assessment of railroads in said county to the payment of the principal or interest of any turnpike bonds said county may now or hereafter owe.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 82.

### HOUSE BILL No. 100.

(By Mr. Luther.)

**AN ACT to authorize Monroe County, Tenn., upon an affirmative vote of the people, to locate, improve, and build certain public roads in said county; to appoint Commissioners and fix their duties; and issue and sell bonds for the purpose of this Act, and to provide for their payment.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Monroe County at the regular quarterly session be, and is hereby, authorized and directed to submit to the qualified voters of said county, at a time to be fixed by said court, the question of issuing and selling bonds to the amount of \$100,000 for the purpose of locating, building, or improving certain public or pike roads in said county hereinafter named and expenses incident thereto. That at such election the qualified voters shall be the same as in general elections, and the election shall be held in the same manner. That at such election those in favor of issuing such bonds shall have written or printed on their tickets "For Road Bonds," and those opposed to issuing such bonds shall have printed or written on their tickets "Against Road Bonds." The notice for such election shall be published in two newspapers in the county, if two such papers shall be published in the county at that time, at least twenty days before the day of such election. If there should be no newspaper published in the county, notice shall be given by written or printed posters at public places throughout the county. In case a majority of the qualified voters voting at such election shall vote in favor of issuing bonds, then said County Court shall issue and sell the same, and in the manner set forth in this Act.

Bonds—  
amount of.

Denomination  
of.

**SEC. 2.** *Be it further enacted,* That all bonds issued under the provisions of this Act shall be signed by the County Judge or Chairman and by the Clerk of the County Court of said county, and shall bear the

county seal. The denominations of said bonds shall not be less than \$100 nor more than \$1,000. They shall bear interest at a rate not to exceed five per cent per annum, payable semiannually; shall be consecutively numbered, beginning with No. 1; shall have interest coupons attached, numbered as the bond, maturing at proper dates to meet the interest, which coupons shall have lithographed upon them the signature of the County Judge or Chairman and the Clerk of the County Court, and such bonds, principal and interest; shall be paid in lawful money of the United States. The said bonds shall mature—one-half in fifteen years and one-half in twenty years from their date. Said bonds shall provide on their face when and where they are payable; and if said bonds be not presented for payment at the time and place specified in the bond, the interest thereon shall cease at that date. The Judge or Chairman of the County Court of said county shall keep in his office, in a well-bound book, a record of the number and denomination of all the bonds issued under this Act, and all payments of interest and principal on each made, which shall be subject to public inspection. Not less than one page shall be given to each bond. He shall also keep a proper book in which all coupons and, lastly, the bond to which they belong shall be firmly pasted as they come in after payment and redemption and settlement with the Trustee.

SEC. 3. *Be it further enacted*, That the County Court of said county shall include in its tax levies a sufficient amount to meet the interest on said bonds and provide a sinking fund for their payment, the said levies to be on all the taxable property in the county, including that within the corporate limits of any municipality in said county, and on privileges, but not on polls. The County Court may apply a proper proportion of the regular road tax to this sinking fund or the payment of interest.

Sinking fund  
tax.

SEC. 4. *Be it further enacted*, That the County Trustee shall account for and collect all taxes on property herein authorized, and account for all taxes received from privileges in the same manner as he is required to do as to other county taxes; shall keep a strict account separate from other funds, and shall settle with the Judge or Chairman as required in regard to other county funds, and he shall receive

the same compensation as for collecting and accounting for other county taxes. The privilege tax shall be collected as other privileges are and turned over to the Trustee aforesaid. The said Trustee shall make additional bonds, conditioned for the faithful collecting and accounting for this fund, to be approved in like manner with the other bonds required of him. He may loan at interest, with good security, said sinking fund.

Pike Commis-  
sioners—  
powers, etc.

SEC. 5. *Be it further enacted*, That for the purpose of carrying out the provisions of this Act and the will of the people voting for the bonds, the Judge or Chairman of said County Court shall appoint, subject to the approval of the Quarterly Court, three Pike Commissioners, freeholders and citizens of said county, practical business men, and possessing the best knowledge in regard to road building. Before entering on the discharge of their duties they shall take an oath, to be filed in the office of the County Court Clerk, that they will faithfully and honestly discharge the duties of their office to the best of their judgment, skill, and ability, and that they will not be influenced, directly or indirectly, in any contract for building said roads. They shall give such bond as may be required by the County Court, conditioned to faithfully and honestly account for all moneys, bonds, or property over which they have control under this Act. It shall be the duty of said Commissioners to sell said bonds, when issued, to the highest bidder, and the proceeds thereof are to be deposited in responsible bank by the purchasers, said bank to be selected by the Commissioners, which money, when so deposited, shall be subject only to the order or the checks of said Commissioners, countersigned and recorded in his office by the County Court Clerk, said checks or orders showing upon their face for what purpose issued. Said bonds shall not be sold for less than par. Said Commissioners shall have power to employ civil engineers and other expert service to survey the routes of the roads to be constructed, to make maps and profiles thereof, showing the grades, cuts, fills, culverts, bridges, etc.; the owners of the land, with an estimate of the probable cost, with a view to enable said Commissioners to locate the roads to the best interest of the public. They shall have the right to take,

by gift or purchase, on behalf of said county, rights of way, stone, timber, or other things of value for the construction of the roads contemplated by this Act. They shall also have the right to avail themselves of any help proffered by any "Good Roads Association" of State or of general government, either in the way of expert assistance or financial aid. They shall also make or have made plans and specifications for the work to be done in the construction of said roads as a basis upon which to let contracts or construct roads. Said Commissioners and surveying force shall have the right to enter and survey on any lands in the county, the county thereby being subject to none but actual damages. Said Commissioners shall have the right as is now given ordinary Road Commissioners to open or change the location of roads or parts of roads, condemn private property, and assess damages for any change they may decide to be necessary in the location of said roads. When the survey maps, profiles, plans, specifications, and estimates have been made as to the roads, the Commissioners shall advertise for sale bids on the work as a whole or in sections. The work of improvement on roads under the provisions of this Act shall be to properly grade and construct good dirt roads suitable for vehicles of all kinds now used upon the public roads in Monroe County, the same to be properly graded, surfaced, and sloped; carry off surface water with suitable and sufficient side ditches, and culverts to carry off surface waters or running streams, and the necessary bridges across streams; to keep the roads properly drained and dried; and it shall be the duty of said Commissioners to so lay off, construct, and grade said roads that they may be suitable for metaling or macadamizing should there be money sufficient to do the same, or so that they may be in condition to macadamize or metal in the future should it be the will of the county to do so. The Commissioners may employ engineers to aid them in the work. If there is more than money sufficient to locate, lay off, grade, surface, and build bridges and properly drain said roads, then the Commissioners may use the surplus fund in metaling or macadamizing such parts of said roads as in their judgment will be most beneficial and useful to the citizens of said county and the trav-

Engineer.

eling public. But it shall be the duty of said Commissioners to first locate, lay off, grade, surface, and properly drain and build bridges across streams on all the roads hereinafter mentioned in this Act before any metaling or macadamizing shall be done, except in extremely low, boggy, or wet places in any of the roads; the same may be metaled at the discretion of the Commissioners. When the survey, maps, profiles, plans, specifications, and estimates have been made, the Commissioners shall advertise for sale bids on the work as a whole or in sections for doing the work as above described, including bridges, culverts, etc., together or separately, and shall give the contract to the lowest responsible bidder. They shall have the right to reject all bids and readvertise, or they may buy stock, tools, machinery, etc., and have the work done under proper supervision by day labor. All contracts for surfacing, metaling, rights of way, or any other expense shall be in writing, and those for rights of way shall be kept in a record book hereinafter provided for. They shall require good bonds from contractors, conditioned to comply with the contract, and the work shall be done according to specifications under the contract; and when so done, shall be approved or rejected by the said Commissioners and paid for when accepted, except ten per cent of all demands shall be withheld until the whole road, or that part of it under that contract, shall be finished, and then all be paid for. Demand and payments shall be made monthly on all contracts, and day labor shall be paid for at stated times fixed by the Commissioners.

Commission-  
ers to  
organize.

SEC. 6. *Be it further enacted*, That said Commissioners shall organize by electing a Chairman and a Secretary, and shall keep in a well-bound book a complete record of all their transactions, which book, on the completion of the work, shall be deposited in the office of the County Court Clerk and kept with the other records of said county, and they shall hold their office until the completion of the work for which they were appointed; but for inefficiency or culpable misconduct may, after ten days' written notice by the Judge or Chairman of the County Court, be removed. They shall keep a strict account of the time engaged, services rendered, and expenses incurred,



and shall certify to the same, and shall receive, besides their expenses, such compensation as the County Court may fix and allow for their services. They shall report to each term of the Quarterly Court, in detail, the progress of the work and the expenditures, and make final report of the work on completion of same.

SEC. 7. *Be it further enacted*, That the following shall be the roads located, laid off, graded, bridged, etc., as provided under this Act—namely:

What roads to  
be graded.

1. The road from Madisonville to Niles' Ferry at mouth of Tellico River, 10 miles.

2. Madisonville to or near Breakbill, now Kilpatrick's Mill, on Bat Creek, 8 miles.

3. Madisonville, by way of Hiwassee College, to forks of the road north of and a short distance beyond the residence of O. W. Muller, 4 miles.

4. Madisonville to Sweetwater, 9 miles.

5. Madisonville to McMinn County line, on the main Athens Road, 6 miles.

6. Madisonville to Chestua Church, on Chestua Creek, 5 miles.

7. Madisonville to Coker Creek, by way of Mount Vernon and Tellico Plains, about 21 miles.

8. Madisonville to Ballplay, about 12 miles.

9. Madisonville to Povo, about 9 miles.

10. Sweetwater to Fork Creek Valley by W. L. Ballard's, Rockville Church; thence down the valley, by way of C. C. Bruce's, intersecting the public road leading from Vonore to Fowler's Mill, or store; thence with said road to Fowler's Mill, about 11 miles.

11. From Sweetwater to McMinn County line by the county schoolhouse near the old H. B. Yearwood residence, about 2 miles.

12. Sweetwater to McMinn County line on Ten Mile Road, 3 miles.

13. Sweetwater to Loudon County line, toward Philadelphia, 4 miles.

14. Tellico Plains, by the Will Shaw and Kirkland places, to Ballplay, at or near the old Upton place, so as to intersect with the road leading from Madisonville to Ballplay, 12 miles.

15. From Tellico Plains, by Jalapa, to John Graves' or old Cunningham place, 8½ miles.

16. From Tellico Plains to or near Macedonia

Church, in the Twentieth Civil District of said county, 8 miles.

17. From Vonore up Tennessee River to Citico Creek, 10 miles.

18. From Vonore to W. J. Fowler's, on Fork Creek, 6 miles.

SEC. 8. *Be it further enacted*, That if in the election provided for in Section 1 of this Act a majority of the qualified voters shall not vote in favor of issuing the bonds herein provided for, that after the expiration of six months from said election, upon the petition of one hundred property owners in said county, the County Court shall order another election under the provisions of this Act; and in the election so ordered should a majority of the qualified voters vote in favor of the issuance of the bonds, then the roads herein enumerated shall be built and paid for in accordance with the terms of this Act, and in accordance with the specifications, requirements, and restrictions herein mentioned.

SEC. 9. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 17, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 83.

### HOUSE BILL No. 345.

(By Mr. Luther.)

AN ACT to amend Chapter 276 of the Acts of the General Assembly of the State of Tennessee for the year 1907, [entitled] "An Act to empower cities and towns of this State having a population of not less than 4,500 and not more than 4,800 inhabitants, under and by the Federal census of 1900 or any subsequent Federal census, to open, widen, extend, grade, pave, gravel, macadamize, gutter, construct sidewalks, or lay and construct permanent sewers in, curb and park, or otherwise improve the streets, avenues, alleys, and highways of said municipalities within the corporate limits thereof; to levy special taxes, assessments, or local contributions on real estate abutting on said streets, avenues, alleys, and highways; to provide a method of assessing and collecting all or a portion of the cost of said improvement on, from, and out of the property and property owners abutting on said streets, avenues, alleys, and highways, and of paying for the same; and to authorize the issuance of bonds or certificates of indebtedness to pay for the same, and to provide for the redemption of said bonds or certificates of indebtedness," the same being an Act passed on April 2, 1907, and approved April 8, 1907.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 33 of Chapter 276 of the Acts of 1907 of the General Assembly of the State of Tennessee, passed April 2, 1907, and approved April 8, 1907, be, and the same is hereby, amended so as to read as follows:

"*Be it further enacted*, That the full faith and credit of any city or town issuing certificates of indebtedness or bonds to pay for improvements under the provisions of this Act is hereby pledged for the payment of such certificates or bonds, with interest, according to their tenor; and the district improvement bonds, as well as the city improvement bonds and certificates of indebtedness, provided for in this Act and hereafter issued hereunder are hereby declared to be a direct obligation of the city or town issuing the same, and shall be enforceable against said city or town in the same manner as other debts and obligations thereof may be enforced and collected."

SEC. 2. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed February 16, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 84.

### SENATE BILL No. 128.

(By Messrs. Howse and Matthews.)

AN ACT creating a lien in favor of warehousemen and providing means for enforcing same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every warehouse company, firm, person, or persons engaged in the warehouse or storage business, who shall receive in his or their possession any goods, wares, or merchandise in store for hire, shall have a lien thereon superior to unregistered liens or titles for the storage charges that may accrue thereon, together with any necessary expense incurred in making the sale, as provided by Section 2 hereof; *provided, however*, that where sale of goods or chattels are made and a lien retained by the seller for the purchase money, such lien, whether registered or not, shall be superior to the lien hereby created.

SEC. 2. *Be it further enacted*, That after such storage charges or any part thereof shall be in default for a period of six months, such warehouse company, firm, person, or persons that shall have received such goods, wares, or merchandise for storage may enforce the lien hereinbefore provided for by a sale

of the property so stored, after first advertising the same by printed or written notices posted at the door of the courthouse in the county where such property is stored, and also at two public places in said county, said notices to be posted at least thirty days before date of sale, and shall specify the articles to be sold, time and place of sale, and a copy thereof transmitted through the mail to the address of the person in whose name the property is stored, if known, by placing the same in the post office at least twenty days before the sale.

SEC. 3. *Be it further enacted*, That from the proceeds arising from such sale there shall be deducted the storage charges, together with the necessary expenses of sale, and the balance, if any, shall be held for the owner thereof; and every such warehouse company, firm, person, or persons shall keep a permanent record of such sales, showing description of articles sold, time of sale, amount received, and amount of storage charges and expenses.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 85.

### SENATE BILL No. 27.

(By Mr. Turner.)

AN ACT to amend an Act entitled "An Act to prevent the spread of contagious diseases among animals," being Chapter 268 of the Acts of 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of Chapter 268 of the Acts of 1889 be amended by striking out "to either," "or bury," in the fifth line of said section.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 86.

### SENATE BILL No. 49.

(By Mr. Mansfield, by request.)

AN ACT to establish a Board of Commissioners for the promotion of uniformity of legislation in the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That within thirty days after the passage of this Act the Governor shall appoint three suitable persons, and they and their successors are hereby constituted a "Board of Commissioners for the Promotion of Uniformity of Legislation in the United States." Any vacancy in said Board by resignation, death, or however otherwise arising, shall be filled by the appointment by the Governor of a suitable person.

SEC. 2. *Be it further enacted*, That it shall be the duty of said Board to examine the subjects of marriage and divorce, insolvency, the descent and distribution of property, the execution and probate of wills, and other subjects upon which uniformity of legislation in the various State and Territories of the Union is desirable, but which are outside the jurisdiction of the Congress of the United States; to confer upon these matters with the Commissioners appointed by other States and Territories for the same purpose; to consider and draft uniform laws to be submitted for approval and adoption by the several States; and generally to advise and recommend such other or further course of action as shall accomplish the purposes of this Act.

SEC. 3. *Be it further enacted*, That the said Board of Commissioners shall keep a record of all its transactions, and shall at the first session of each Legislature make a report of its doings and of its recommendations to the General Assembly.

SEC. 4. *Be it further enacted*, That no member of said Board shall receive any compensation for his services.

SEC. 5. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed February 9, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 87.

### SENATE BILL No. 55.

(By Mr. Fisher.)

AN ACT to provide for the probate of wills of residents of foreign countries, devising lands in this State, or the recording in this State of such wills and of foreign probate thereof, and to declare the effects of such probate or recording.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when the last will and testament of any resident of a foreign country, devising lands in this State, has been or shall be probated in said county before a probate court or probate officer, and the record of such probate, by its recitals or otherwise, shows that the facts necessary under the laws of this State to the validity of a will of realty were proven before said probate court or officer by such witnesses and in such a manner as are required by the laws of the State, a copy of said foreign probate, including said will, authenticated as hereinafter provided, may be presented to the County Court of any county in this State where the land devised or any part thereof is located; and said court, if it finds and adjudges that said copy and said probate conform to the requirements of this Act, shall order the same to be recorded as the will of such foreign testator, and letters testamentary may issue thereon.



**SEC. 2.** *Be it further enacted,* That the copy of said foreign will and probate shall be authenticated by the official attestation of the Clerk or officer in whose custody such records are legally kept, and by the certificate of the Judge or one of the Judges or Magistrates of said court, or by the certificate of said probate officer, that the person so attesting is the Clerk or officer legally intrusted with the custody of said record, and that the signature to his attestation is genuine, said certificate shall be under the seal of the court or probate officer if it or he have one.

Should the probate officer exercising the probate jurisdiction be also the custodian of said records, he shall certify in his double capacity.

**SEC. 3.** *Be it further enacted,* That whether said foreign will has been probated abroad or not, any person interested may apply for a probate before the County Court of the county in this State in which said real estate or any part thereof is located. To that end he shall present a petition to said County Court, setting forth the death of said foreign testator, his ownership of lands in the county, and the fact of his testacy, whereupon said court shall authorize the taking of such proof as may be necessary to prove said will in accordance with the laws of this State. Depositions may be taken either upon interrogatories filed in said court for ten days, or by oral examination at a time and place designated by the court.

No notice shall be required of the taking of said depositions, save such as results from the making of the order therefor by the court. When said depositions are taken by oral examination, the time which elapses between the making of the order therefor and the taking of said depositions shall not be less than the time prescribed for notice for taking depositions under the general laws.

Should it not be possible to exhibit to said depositions and produce before said County Court the original will, a copy thereof may be so used, the necessary witnesses proving that it is a true copy of the original.

**SEC. 4.** *Be it further enacted,* That when such wills and probates are recorded, or such wills probated in this State as hereinbefore provided for, such records or probates shall have the same force and effect as

to said real estate as the probate in this State of wills of resident citizens of the State have as to lands in this State devised by them, but nothing in this Act is to prevent proving said wills as at common law and without probate. Said wills shall, as to real estate, be to the same extent and in the same manner as said domestic wills subject to contest in the State, and certified copies of the record in the County Court shall be available as evidence as are copies of said domestic wills and probate thereof; *provided, however*, that nothing in this Act shall apply to wills dated more than fifty years prior to the date of the passage of this Act.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 9, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 88.

### SENATE BILL No. 88.

(By Mr. Neal.)

A BILL to be entitled an Act to amend Chapter 105 of the Acts of 1897, being an Act to empower municipal corporations having a population of 20,000 and upwards to establish and maintain free public libraries, and to maintain free public libraries already established, so as to provide that any municipal corporation in the State may establish and maintain a free public library, or maintain a free public library already established, and that it may do this as well by appropriation from other municipal funds as by levying a tax for that purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of Chapter 105 of the Acts of 1897, being an Act to empower municipal corporations of a population of 20,000 and upwards to establish and maintain free public libraries and to maintain free public libraries already established be amended by striking out the words, "having a population of 20,000 and upwards according to the Federal census of 1890 or any subsequent Federal census," and that the words, "or such municipality may make an annual appropriation to maintain a free public library," be added at the end of the section, so that the section shall read: "That the Mayor and City Council of each municipal corporation or taxing district shall have power to establish and maintain a free public library and reading room for the use and benefit of the inhabitants of such municipality; for this purpose may levy a tax of not more than five cents (Acts of 1901, Chapter 2) annually on each one hundred dollars of taxable property of such municipality, such tax to be levied and collected in like manner with other general taxes of such municipality, to be known as the "library fund," or such municipality may have an annual appropriation to maintain a free public library."

SEC. 2. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed February 10, 1909.

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WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

## CHAPTER 89.

### SENATE BILL No. 97.

(By Messrs. Huffaker and Cooper.)

AN ACT to amend Section 4555 of the Code of Tennessee of 1858, being Section 6393 of Shannon's Code of 1896, as amended by Chapter 196 of the Acts of 1903, so as to include "County Tax Assessors" in the list of county officials who are entitled to have their "record books, stationery, and blanks paid for out of the county treasury."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 4555 of the Code of Tennessee of 1858, being Section 6393 of Shannon's Code of 1896, as amended by Chapter 196 of the Acts of 1903, be, and the same is hereby amended by inserting the words "County Tax Assessor" after the word "Courts," in line two of said section.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 10, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 90.

### SENATE BILL No. 106.

(By Mr. Cummins.)

**AN ACT** to authorize the County Courts for counties in this State having a population of more than 60,000 and less than 70,000 inhabitants by the Federal census of 1900, or that may have that number of inhabitants by any subsequent Federal census, to grant to electric-light and power companies the right and privilege to erect and maintain their poles and wires along and over the public roads of said counties, and to prescribe the terms on which this right and privilege may be exercised; and also to confirm the grants of such rights and privileges heretofore made to such companies.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Quarterly County Court for each county in this State having a population of more than 60,000 and less than 70,000 inhabitants by the Federal census of 1900, or that may have that number of inhabitants by any subsequent Federal census, be, and the same is hereby, authorized and empowered by resolution or order to grant to electric-light and power companies operating in said counties, whether the same are chartered under the laws of Tennessee or any other State, the right and privilege of erecting and maintaining along and over the public roads of said counties their poles, wires, and cables for the purpose of transmitting currents of electricity for lighting and power purposes. The grants of said rights to the said companies shall be made upon such terms as to location, supervision, and control, as the County Court in the grant may prescribe.

**SEC. 2.** *Be it further enacted,* That all such grants to electric-light and power companies heretofore made by County Courts in counties of the population named in the first section of this Act of the right to erect and maintain along and over the public roads of such counties poles, wires, and cables for the purpose of transmitting electricity for lighting and power purposes, where such grants have heretofore been made by resolution or order of such County Courts duly passed, be, and the same are hereby ratified and confirmed and declared legal and valid.

**Sec. 3.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909.

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

## CHAPTER 91.

### SENATE BILL No. 140.

(By Mr. Lane.)

A BILL to be entitled "An Act to allow turnpike companies in the State of Tennessee chartered by the General Assembly of the State, which have amended or may hereafter amend their charters, so as to conform to the provisions of Chapter 369 of the Acts of 1899, time in which to make their roads conform to said Act."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all turnpike companies in the State of Tennessee, chartered by the General Assembly of said State, which have amended or may hereafter amend their charters, so as to conform to the provisions of Chapter 369 of the Acts of 1899, shall have twelve months from the time of making said change in their charters in which to make their roads conform to Chapter 369 of the Acts of 1899.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 10, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 92.

### SENATE BILL No. 178.

(By Mr. McKinney.)

AN ACT to be entitled An Act to authorize the Mayor and Aldermen of the town of Huntingdon, a municipality organized under the Acts of the General Assembly, passed March 23, 1903, and approved April 15, 1903, being Chapter 318 of the Acts of 1903, and subsequent amendments thereto, to issue bonds for the purpose of improving the streets and sidewalks and extending water and light system.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the town of Huntingdon, a municipality organized [under] the Acts of the General Assembly, passed March 23, 1903, and approved April 15, 1903, being Chapter 318 of the Acts of 1903, and the subsequent amendments thereto, is hereby empowered in its corporate capacity to issue bonds of the said town, signed by the Mayor and countersigned by the Recorder and Treasurer, with semiannual interest coupons attached, which shall be signed by the Recorder and Treasurer of said town, to an amount not exceeding ten thousand dollars (\$10,000).

SEC. 2. *Be it further enacted*, That the bonds hereinbefore provided for may be executed in denominations from one hundred (\$100) to five hundred dollars (\$500), and they shall mature and be redeemable at such time within twenty (20) years as may be prescribed by the corporate ordinance authorizing the issuance of said bonds. Said bonds shall bear a rate of interest not exceeding six (6) per cent per annum, payable semiannually.

Bonds—  
denomina-  
tion of.

SEC. 3. *Be it further enacted*, That said issuance of ten thousand dollars (\$10,000) shall be known as "Improvement Bonds," the proceeds of which shall be used exclusively in improving the streets, sidewalks, and extending water and light systems of said town, as the Mayor and Aldermen of said town may by ordinance direct.

SEC. 4. *Be it further enacted*, That none of said bonds hereinabove authorized shall be issued with-

out the passage of an ordinance by the Mayor and Aldermen of said town specifying the purpose for which said bonds are asked to be issued and directing an election to be held by the qualified voters of said town "for" and "against" the issuance of said bonds as provided by the charter of said town, said election to be held in conformity with the charter of said town, and under the general election laws controlling the holding of elections in the town of Huntingdon; *providing*, that a failure to carry any election for bonds hereunder shall not prevent the submission of another proposition under this Act.

SEC. 5. *Be it further enacted*, That none of said bonds to be issued by this Act shall be sold, exchanged, or disposed of for less than their said face value.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 10, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 93.

### SENATE BILL No. 181.

(By Mr. Hord.)

AN ACT entitled An Act to amend Subsections 2, 5, 6, 9, 13, 15, and 21 of Section 8 of an Act of the General Assembly of the State of Tennessee for the year 1903, passed the thirteenth day of February, 1903, and approved by the Governor on the thirteenth day of March, 1903, the same being an Act entitled "An Act to incorporate the city of Murfreesboro, in Rutherford County, Tenn.; to establish the boundaries thereof, and define the powers of the same; to appoint the first Mayor, City Council, and all other officers and agents of the city of Murfreesboro, and to provide for the election of their successors, and for the election of all other officials and agents of said city, and define their qualifications, powers, and duties, and for other purposes incident to the corporation of said city of Murfreesboro," so as to elect a City Tax Assessor, with powers of County Assessors; to elect a City Board of Equalization, with certain powers; to provide for the collection of taxes on property and polls by September 1 of each year, and to fix a penalty when same remain unpaid on said date; to make payment of municipal poll tax requisite to vote in city elections, and to punish for nonpayment of same; to establish a system of free public schools, for studies prescribed by the State; and in case of establishing schools of higher grades, or for Normal-school purposes, to do so jointly or not with county authorities, and to levy a special school tax for said purposes, without a vote of the qualified voters of the city; to condemn private property for sewer purposes within the city limits and for two miles beyond the city limits; to license, tax, and regulate express companies according to laws of the State; to collect an annual tax on poles and boxes of all telegraph and telephone companies; to require all wires to be placed under ground within fire district; and to provide for not more than six months' imprisonment, and expense of conviction, for violation of ordinances of the city.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Subsections 2, 5, 6, 9, 13, 15, and 21 of Section 8 of the Act passed by the General Assembly of the State of Tennessee on the thirteenth day of February, 1903, and approved by the Governor on the thirteenth day of March, 1903, the same being the Act described in the caption hereof, be, and the same are hereby, amended so as to read as follows:

There shall be added to Subsection 2 of Section 8 the following:

City Tax  
Assessor.

“To elect, with term of office beginning March 1, 1909, a City Tax Assessor, who shall be a freeholder and a resident of the city, and a thoroughly competent person, who shall give bond as other city officials and take the same oath as County Assessors, in addition to the oath administered to city officials, and who shall have the same powers as County Assessors now or may hereafter have by law, whose duty it shall be to assess annually all real, personal, and mixed property, as well as all polls, within the city, as provided by law, and whose compensation shall be fixed by the City Council, and whose term of office shall be for four years, except the first term, which shall end the first Tuesday night in January, 1913, and who shall not be eligible to succeed himself.

“To elect annually three members of the City Council as a City Board of Equalization, to pass upon and review all assessments of the Tax Assessor, and have the same powers and take the same oath as members of County Boards of Equalizers, whose compensation and time of convening shall be fixed by the City Council.

Taxes—when  
due.

“To require all taxes on real, personal, and mixed property to be paid on the first day of July of each year, and all taxes not paid by September 1 of each year shall be delinquent, subject to a penalty of not more than ten per cent, and all poll taxes of \$1 each not paid by September 1 of each year shall be delinquent; and if not paid, be subject to a penalty of fifty cents, with usual commissions, which, if unpaid, shall be subject to such penalties as are authorized by State law, under direction of city authorities; and that no citizen subject under State laws to poll tax shall vote in any municipal election unless his poll tax is paid and receipted for for the current year, this latter provision not to take effect until September 1, 1909.”

SEC. 2. *Be it further enacted*, That Subsection 5 of Section 8 shall be amended so as to read as follows:

To establish  
schools.

“To establish a system of free public schools for studies prescribed by the State, and in case of establishing schools for higher grade or for Normal-school purposes, to do so, jointly or not, with the county authorities, and to levy a special school tax for said

purpose without a vote of the qualified voters of the city."

SEC. 3. *Be it further enacted*, That Subsection 6 of Section 8 be amended so as to read:

"To also license, tax, and regulate express companies, as same are now or may hereafter be taxed by the State, and to collect taxes annually on all poles and telephone boxes of telephone and telegraph companies, and to require all wires to be placed under ground within the fire district."

SEC. 4. *Be it further enacted*, That Subsection 9 of Section 8 be amended so as to add the following after the word "sewers:"

"To condemn private property for sewer purposes within the city limits and for two miles beyond and outside the city limits." To condemn property.

SEC. 5. *Be it further enacted*, That Subsection 21 of Section 8 be amended so as to read as follows:

"To impose fines, forfeitures, and penalties for the breach of any ordinance, and to punish by imprisonment within or without workhouses, in default of payment of fine, penalty, and costs; *provided*, that imprisonment or labor on streets or elsewhere shall not be longer than six months, and the expense of conviction, as fixed by law; and, *provided*, further, that the City Council may fix the amount to be allowed each prisoner per day when working out fine, forfeiture, or penalty and costs."

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 9, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 94.

### SENATE BILL No. 182.

(By Mr. Hord.)

AN ACT entitled an Act to repeal Section 2, Chapter 120 of the Acts of 1903, being entitled "An Act to incorporate the city of Murfreesboro, in Rutherford County, Tenn.; to establish the boundaries thereof, and define the powers of the same; to appoint the first Mayor, City Council, and all other officers and agents of the city of Murfreesboro, and to provide for the election of their successors, and for the election of all other officials and agents of said city, and define their qualifications, powers, and duties, and for other purposes incident to the incorporation of said city of Murfreesboro."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 2, Chapter 120 of the Acts of 1903, passed the thirteenth day of February, 1903, and approved by the Governor on the thirteenth day of March, 1903, the same being the Act described in the caption hereof, be, and the same is hereby, repealed, and that the city of Murfreesboro no longer have the power to exempt unimproved parcels of land from municipal taxation.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 9, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 95.

### SENATE BILL No. 183.

(By Mr. Hord.)

AN ACT to empower and authorize the city of Murfreesboro, Tenn., by and through its City Council, to issue and sell bonds for the purpose of building and constructing a system of sewers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of May, 1909, it shall be lawful for the City Council of the city of Murfreesboro to issue and sell coupon bonds not exceeding in amount the sum of seventy-five thousand dollars (\$75,000), under the provisions and limitations hereinafter set out, for the purpose of building and constructing sewers and a system of sewers for the use of said city.

SEC. 2. *Be it further enacted*, That said bonds shall bear a rate of interest not to exceed five per centum per annum, payable in lawful money of the United States, annually or semiannually, as the City Council may by ordinance direct; that said bonds shall be issued in denominations of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), and shall be payable in lawful money of the United States at any time or times and in such places as the City Council may by ordinance direct; *provided*, that none of said bonds shall be issued to mature at a greater length of time than thirty (30) years, nor shall said bonds when sold be sold at less than par value.

Denomination  
of bonds.

SEC. 3. *Be it further enacted*, That in a well-bound book, to be provided by said City Council and kept by the City Treasurer open to the inspection of the public, shall be kept a record of said bonds, which, in regular columns, properly headed, shall show the number of the bond, its series, its denomination, its rate of interest, to whom sold, when sold, at what price, when matured, when called (if called before maturity), when paid, together with the record of all coupons, amounts, series, numbers, and dates of payment.

Bond record to  
be kept.

Each of said bonds shall be signed by the Mayor and attested by the City Recorder, and each coupon shall bear the lithographed signature of the City Recorder.

Election—  
when and  
how held.

SEC. 4. *Be it further enacted*, That, before said bonds shall be issued, an election shall be called and held in said city of Murfreesboro at the usual voting places and within the hours in which the corporation elections in said city are now directed by law to be held.

All persons residing within the limits of said city and qualified to vote shall be qualified voters in the election herein provided for.

Said election shall be advertised by the Election Commissioners of Rutherford County, Tenn., for not less than four successive weeks in some newspaper published in said city.

The said Commissioners of Election shall call said election and provide for the holding of the same as now provided by law, and said election shall not be called, unless a petition, signed by not less than twenty-five qualified voters and freeholders residing within the corporate limits of said city, which petition shall be filed with the Chairman of the Election Commissioners for said county not less than ten days before said election is called.

When said election is called, tickets shall be provided for those entitled to vote at said election printed to express the wishes of the voters. Those desiring to vote for the issuance of the bonds shall vote the ticket having printed on it the words "For the Bonds," and those desiring to vote against such bond issue shall vote the ticket having printed on it "Against the Bonds;" and if at such election a majority of the votes cast shall be "For the Bonds," upon the same being properly certified by the Board of Election Commissioners to the Mayor of said city, he shall cause said certificate of election at the next regular or at a called meeting of said City Council to be recorded on its minutes, and thereupon said bonds may be issued as above provided; but without such election, majority, and records, no bonds shall be issued.

Proceeds of  
sale of bonds.

SEC. 5. *Be it further enacted*, That none of the proceeds of the sale of said bonds shall be used for any purpose other than for providing for a survey and



plans and the building and constructing of sewers within said city, and far enough from the outside of the city limits so as to find a suitable outlet, as may be contracted for as herein provided.

SEC. 6. *Be it further enacted*, That the proceeds of the sale of said bonds shall be paid to the City Treasurer of said city of Murfreesboro, and shall be paid out by him upon the order of a special committee of three, to be appointed by the City Council in open session, and known as the "Sewer Committee," one of whom shall be the Mayor, which said committee, in connection with the consulting engineer, should one be employed by the City Council, shall have charge of said work.

SEC. 7. *Be it further enacted*, That the City Council shall by ordinance provide a method by which said bonds, when issued, are to be sold, and the proceeds to be conveyed into the city treasury, and shall require such bonds to be given by the City Treasurer for the safe-keeping and proper disbursement of this fund as they may see proper, and that said City Treasurer, acting as such, shall receive no additional compensation for performing said duties; *provided*, if a sinking fund is created, and said City Treasurer should be elected by the City Council as Sinking Fund Commissioner, he shall receive compensation not to exceed \$. . per annum, and any Sinking Fund Commissioner so chosen shall be required to give all proper bonds.

Bonds—how  
sold.

SEC. 8. *Be it further enacted*, That whenever, by the sale of said bonds, said City Council is enabled to begin and prosecute said work of building and constructing sewers, they shall appoint a committee of three, two being members of the City Council and one of whom shall be the Mayor, to be known as the "Sewer Committee," and said committee will be authorized to draw, by its order, signed by all of them, upon the Treasurer of the city for moneys to pay for the expenses of surveying, building, and constructing said sewers as may be incurred under any contract made by the City Council after advertising through said committee and accepting bids for said work, or as same shall be done under direction of the City Council or its committee by some person employed to do said work, and said Sewer Committee may, with the sanction of the City Council, em-

Sewer Com-  
mittee.

ploy an engineer if deemed necessary, and have any necessary surveys, plans, and specifications prepared for the use of the city, and they may employ such other assistance as may be necessary to determine upon the extent and character of the work to be done; but the City Council will in no event contract or agree to do any work or enter upon any system of sewerage that will in the outset require a greater expenditure than the proceeds of said bonds; and the City Council may from time to time, if necessary, extend and enlarge said sewerage system as it may have the money with which to do said work and keep same in necessary repair.

Account of ex-  
penditures—  
how kept.

SEC. 9. *Be it further enacted*, That said Sewer Committee and said City Treasurer shall keep, in separate books, strict accounts of all expenditures of said fund arising from the sale of said bonds, and shall settle and balance their accounts and make itemized statements thereof once each month to the City Council from the commencement to the completion of said work as planned by the committee, and the City Council shall, if they find same correct, spread said settlements on the minutes, and at the completion of said work final reports shall be made and spread upon the minutes of the City Council.

Special tax.

SEC. 10. *Be it further enacted*, That upon the issuance of said bonds said City Council shall levy an additional tax not to exceed two and one-half mills on each dollar of taxable property—real, personal, and mixed—in said corporation upon annual assessments to be made by the City Tax Assessor, and such charges as may be deemed necessary for sewer connections, the proceeds of which shall be applied to the payment of the interest on said bonds as same matures, and for the creation of a sinking fund to meet the principal as rapidly as may be necessary in accordance with the terms of issuance of said bonds as declared by ordinance.

These funds shall be paid to, kept separately, and paid out upon the direction of the City Council, by the City Treasurer, as he now pays out other moneys of said city of Murfreesboro, and both the City Treasurer and Sinking Fund Commissioner shall, whenever called upon, make such reports as the City Council may require.

Said bonds and coupons may, if the City Council so ordains, be made receivable for taxes due the city.

SEC. 11. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 9, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 96.

### SENATE BILL No. 184.

(By Mr. Hord.)

AN ACT to be entitled An Act to validate and make legal and effective certain laws and resolutions found in Richardson's and Cranor's Digest, or upon the ordinance or minute books of the old corporation or town of Murfreesboro, Tenn., and make same apply to the city of Murfreesboro, Tenn.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws, parts of laws or resolutions, found in Richardson's and Cranor's Digest of the laws of the town of Murfreesboro, Tenn., or upon the ordinance or minute books of said town or corporation be, and the same are hereby, declared effective and to be the laws of the city of Murfreesboro, incorporated by Act of the General Assembly of Tennessee, on February 13, 1903, which Act of incorporation became effective July 1, 1903, in so far as they do not conflict with the provisions of the charter of the city of Murfreesboro.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 9, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 97.

### SENATE BILL No. 218.

(By Messrs. Howse and Matthews.)

AN ACT to be entitled "An Act to regulate the coal and lime business in all counties of Tennessee having a population of not less than 110,000 and not more than 130,000 inhabitants by the Federal census of 1900, and to provide suitable penalties for the violation of this Act."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be unlawful for a coal yard or a lime business to be conducted in the residence part of any county of Tennessee as embraced in the caption of this Act, unless and until the consent, in writing, of the adjoining property owners has been obtained by the person, firm, or corporation desiring to carry on and conduct such coal or lime business in the residence part of any such county, and any street or highway within said county whereon a majority of the improved property is used for residence property shall be considered and held to be a residence part of said county within the meaning of this Act. Any person, firm, or corporation desiring to operate and conduct a coal or lime business on any such street or highway shall receive in writing the consent of the persons occupying the property adjoining the premises wherein such coal or lime business is conducted.

*Provided, however*, that nothing herein contained shall prohibit any person, firm, or corporation establishing and conducting a coal or lime business on premises located on any waterway or that abut the line of any commercial steam railroad in the counties controlled by this Act.

SEC. 2. *Be it further enacted*, That where at the time of the passage of this Act a coal or lime business is being conducted in the residence part of such counties as are heretofore defined it shall be the duty of the person, firm, or corporation conducting such business to receive from the adjoining property owners written permission to continue so to conduct

such business before the further conduct of the same shall be lawful.

SEC. 3. *Be it further enacted*, That any person, firm, or corporation violating the provisions of this Act shall be punished by a fine of five dollars (\$5) for each and every day he or it shall continue in violation hereof, and such fine shall be recovered in suits to be brought before Justices of the Peace, who shall hear the evidence and decide the case; and if the person, firm, or corporation so tried shall be found guilty, then the Justice shall impose the fine as herein fixed. Any person, firm, or corporation so convicted and fined shall have the right of appeal to the Criminal or Circuit Court of the county upon giving bond and security for the amount of the fine imposed and costs, as he or it may elect, or taking the pauper's oath and giving an appearance bond.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 98.

### SENATE BILL No. 232.

(By Mr. Cooper.)

**AN ACT** to authorize the County Court of Monroe County, Tenn., to borrow the permanent school funds of Monroe County, Tenn., and pay the interest thereon out of any funds that may be provided by said court; and to provide for the use of said funds in building dormitories and school buildings and purchase of real estate for the Monroe County High School, at Madisonville, Tenn.

**WHEREAS** Monroe County, Tenn., has a permanent school fund amounting to several thousand dollars that has been preserved from the sale of school lands in the Fifteenth, Sixteenth, Nineteenth, and Twentieth Civil Districts; and

**WHEREAS** in the Seventeenth and Twentieth Civil Districts there are other school lands now for sale worth some \$12,000 or \$15,000, which amounts, when the lands are sold, will be added to the permanent school fund of the county; and

**WHEREAS** this permanent school fund may be kept intact by a loan made direct to the county. Now, therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court for Monroe County, Tenn., be, and is hereby, authorized and empowered to borrow the permanent school fund or any part thereof belonging to said county for any length of time for the benefit of the Monroe County High School; and when so borrowed, to credit the funds to said high school account, to be used by the Monroe County High School Board in building dormitories, and in building new or additions to old school building, and for the purchase of land or real estate for the benefit of said school and for necessary equipment.

To borrow  
school fund.

**SEC. 2.** *Be it further enacted,* That no expenditure of the money so borrowed shall be made except permanent betterment or equipment, nor without first obtaining the consent of the County Court.

**SEC. 3.** *Be it further enacted,* That the County

Coupon  
certificates.

Court shall issue for the funds so borrowed from time to time interest-bearing coupon certificates, the interest payable annually, for such time as the funds may be borrowed, and that said certificates, with interest coupons, shall be payable to "the Trustee of Monroe County" for the use and benefit of the permanent public-school fund of the county of Monroe, and that the interest shall be used for the same purposes and in the same manner as the interest on said funds is now used. The certificates and coupons shall be signed, "Monroe County, by . . . , Chairman," and countersigned by the County Court Clerk.

SEC. 4. *Be it further enacted*, That the County Court may pay the interest on the bonds provided for out of any funds in the treasury not otherwise appropriated, or make a special tax levy from year to year to meet this interest.

SEC. 5. *Be it further enacted*, That the funds, when so borrowed, shall be paid over to the Trustee of the county as other high-school funds, and shall be paid out on the warrants of the Monroe County High School Board as other high-school funds are paid out.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 13, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON.  
*Governor.*



## CHAPTER 99.

### SENATE BILL No. 234.

(By Mr. Fort et al.)

AN ACT to amend Chapter 480 of the Acts of 1905 of the General Assembly of the State of Tennessee, passed April 14, 1905, and approved April 17, 1905, so as to authorize fraternal beneficiary associations to do business on the legal reserve plan, to issue contracts for term insurance, limited payment, extended and paid-up insurance; to give the Insurance Commissioner authority to value the contract of any fraternal beneficiary association doing business on the legal reserve plan, and to require such association to maintain such legal reserve, and to give such association the right to use such part of the reserve set aside in any particular contract as it may provide in its supreme law for the purpose of giving extended insurance, paid-up insurance, or paying assessments in advance.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 5 of Chapter 480 of the Acts of 1905 of the General Assembly of the State of Tennessee, passed April 14, 1905, and approved April 17, 1905, be, and the same is hereby, amended by adding thereto the following words:

*“Provided*, that any association which provides for and collects rates of assessments upon all or any class of its membership, computed upon a basis of mortality assumption not lower than that of the Fraternal Congress Table of Mortality, with interest not higher than four per cent per annum, may do business upon the legal reserve plan; and if it elects to do so, shall be required to provide for and maintain a legal reserve not less than the amount computed upon the Fraternal Congress Table of Mortality, with interest at four per cent per annum, and shall have the power to issue term certificates, limited payment certificates, and paid certificates of insurance, and shall also have the power to grant surrender values in the form of paid-up or extended insurance not to exceed the net value of the certificates, less any surrender charge specified by the laws of the association.”

SEC. 2. *Be it further enacted*, That Section 27 of this Act be amended by adding thereto the following:

*“It shall be the duty of the Insurance Commission*

er to value the benefit certificate of any fraternal beneficiary association which may be issued upon the legal reserve plan, and to require such association to maintain such legal reserve as to such certificates."

SEC. 3. *Be it further enacted*, That Section 38 of said Act be amended by adding after the word "society," at the end of line two of said Section 38, and before the beginning of line three of said section, the words: "Except any society doing business on the legal reserve plan."

SEC. 4. *Be it further enacted*, That Section 9 of said Act be amended by adding thereto the following:

"*Provided, further*, that any fraternal beneficiary association doing business on the legal reserve plan shall have the right to use such part of the reserve set apart on any particular benefit certificate as it may provide in its supreme law for the purpose of giving extended insurance, paid-up insurance, and in making loans to members for the purpose of paying their assessments, and making such loans liens on the borrowing member's benefit certificate; but in no case shall any loan exceed ninety (90) per cent of the reserve accumulation computed in accordance with Section 5 hereof. Said liens shall bear interest, payable annually, at a rate not lower than four per cent per annum."

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 10, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 100.

### SENATE BILL No. 251.

(By Mr. Cooper.)

AN ACT to amend an Act entitled An Act to authorize Loudon County, Tenn., upon an affirmative vote of the people, to build and macadamize public and pike roads in said county; to appoint Commissioners and fix their duties and issue and sell bonds for the purpose of this Act; and to provide for the payment of interest and principal of said bonds. Senate Bill No. 582, Chapter 572, Acts of 1907.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the word "macadamize," in the caption of Senate Bill No. 582, Chapter 572, Acts of 1907, the word "improve" be substituted.

SEC. 2. *Be it further enacted*, That the second section of said Act be, and is hereby, amended by substituting the word "improved" in place of "macadamized," in line seven of said section.

SEC. 3. *Be it further enacted*, That the word "in" be substituted for the word "is," first line of Section 3 of said Act.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 13, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 101.

### SENATE BILL No. 252.

(By Mr. Sugg.)

**AN ACT to change the line between the counties of Giles and Marshall.**

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the present line between the counties of Giles and Marshall be, and the same is hereby, changed so that the land now owned by Howard Fox and situated in the Seventeenth Civil District of Giles County shall be included in the Fourth Civil District of Marshall County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 13, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON.  
*Governor.*

## CHAPTER 102.

### SENATE BILL No. 265.

(By Dr. McRee.)

**A BILL to be entitled An Act to establish a compulsory system of legalized primary law for political nominations, to create the agencies for its operation, and penalize its violation.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That excepting the offices of Judges of the Supreme Court of the State and Judges of the Court of Civil Appeals, Chancellors, Criminal and Circuit Judges and Attorneys-General, all party nominations of candidates hereafter in this State made for offices—county, State, and Congressional—elective by the electors of the State, or for offices created by the Constitution of the State, elective by the General Assembly in joint session shall be made in and by a primary election, held for each political party, in the manner, at the times, and under the requirements prescribed by this Act; and unless this Act is complied with party nominations falling within the terms of the same shall not be placed upon the official ballots provided for by the laws of the State for general elections; *provided, however,* that this Act shall not apply to non-partisan candidates or to persons desiring to become candidates independent of party nominations; nor to persons of any other party affiliation which did not, at the general November election next preceding the primary, cast more than ten (10) per cent of the entire vote in the State; and, *provided, also,* that this Act, as to nominations for county officers other than legislative members, County Executive Committeemen, and delegates to State conventions, to be chosen as hereafter directed, shall not apply, when a County Executive Committee of the party it represents not less than forty days prior to the first Monday of April designated by this Act, as the date of the first and recurring biennial primary elections, shall have provided for nominations for such county officers by some other legal method than that pre-

scribed by this Act; but this proviso shall not relieve the County Executive Committees from the performance of such duties as may be otherwise prescribed by this Act.

SEC. 2. *Be it further enacted*, That the representative Civil District and Ward Committeemen of the political parties of the State falling within this Act, who shall compose, as hereinafter prescribed, the County Executive Committee of a party and delegates of political parties to the State convention, hereinafter provided for, shall be elected in and by the said primary elections.

Time of elections.

SEC. 3. *Be it further enacted*, That commencing on the first Saturday in April, 1910, and biennially thereafter on said day, there shall be held a primary election for nominations for party candidates, Ward and Civil District Committeemen of the county, and delegates to the State convention herein provided for; but in case a second primary should become necessary under the subsequent provisions of this Act, the same shall be held on the fourth Saturday following the date of the original or first primary heretofore directed.

To receive popular vote.

SEC. 4. *Be it further enacted*, That party nominations in the primary, provided for by this Act, shall be determined by the majority of the popular vote cast in the primary, as prescribed by the subsequent provisions of this Act. In the event any candidate for a primary nomination shall receive in the primary a majority of the popular vote cast, he shall be declared the party nominee in the mode prescribed by this Act; but if he fails to receive such majority, the authority constituted by this Act, for that purpose, shall have the names of the two candidates receiving the highest number of votes cast, submitted to the second or run-off primary, directed by this Act; *provided, however*, that if in the first primary there shall be a tie between the two candidates who stand second, then the names of the two with that of the one receiving the highest number of votes in the first primary shall be submitted to the second primary, in which second primary the candidate receiving the highest number of votes shall be declared the party nominee in the mode prescribed by this Act; and, *provided, also*, that in case of Ward

In case of tie vote.

and Civil District Executive Committeemen and delegates to the said State convention, the candidates or persons receiving in the primary the highest number of the popular votes cast shall be declared nominated without directing a second primary. In case of a tie between candidates for Ward and Civil District Committeemen and delegates to State conventions, the County Executive Committee shall, by its vote, decide the tie.

SEC. 5. *Be it further enacted*, That the Central or State Executive Committee of a political party shall be composed of two members from each Congressional District of the State; the Congressional Committee, of two members from each county of the Congressional District of the district; the District Senatorial Committee, of two members from each county of the district; the District Floterial Committee, of two members from each county of the district; and the County Executive Committee, of two members from each civil district and ward of the county. The County Executive Committees are invested with the authority, and shall, from members thereof, elect the Committeemen who shall, as hereinbefore prescribed, constitute the respective District Senatorial, District Floterial, and District Congressional Committees.

State Executive Committee.

The Central or State Executive Committee shall, as prescribed by this Act, be chosen in the State convention provided for by this Act by the delegates thereof in the prescribed ratio of two from each Congressional District.

The members composing a committee provided for by this Act shall hold office until their successors are biennially elected or chosen by the succeeding biennial committee, when it shall have been organized into the political body designated in this Act.

Term of office.

The committees provided for by this Act, and the said State convention, shall be without the authority, and are prohibited, from adding to or increasing their membership, but they shall have, respectively, the power, and exercise it in conformity with the wishes of the party nominee they represent, to appoint campaign committees, conferring upon them such authority as may be needful to the exercise of

their functions; but the said campaign committees shall be without any voting power.

In case of a vacancy occurring by death, resignation, removal, failure to qualify, or from other cause, such committees may respectively fill the vacancy by appointment.

Committeemen provided for by this Act shall, as soon as practicable after they are elected or chosen, perfect organization by the election of a Chairman and Secretary, and take such other steps as may be necessary to the performance of the duties imposed by this Act.

Delegates  
elected—  
when.

SEC. 6. *Be it further enacted*, That in the first and biennial primaries provided for by this Act there shall, from each county in the State, to represent the respective political parties therein, in the State convention hereinafter provided for, be elected delegates thereto in the proportion of one delegate for every one hundred or fraction thereof of fifty votes or over cast in the presidential election next preceding the date of the primary election, for the respective candidates for President; but in such convention the delegates then shall not act by proxy, unless the proxy be that of a delegate who has been in actual attendance upon the convention, and for good reasons unable to continue his attendance; nor shall the county delegation be added to, nor increased by its members, nor by any other authority; and, *provided*, if in any county any political party to be represented in said convention shall have in said election cast less than one hundred votes, it shall be entitled to one delegate for said county. No delegate herein provided for shall accept or use a free pass or free transportation of any kind in going to or returning from any convention herein provided for, and to accept and use such transportation or free pass by any delegate is hereby declared to be a misdemeanor, punishable by a fine of not less than fifty dollars nor more than one hundred dollars and imprisonment in the county jail for a period not to exceed ninety days within the discretion of the court.

SEC. 7. *Be it further enacted*, That each Committeeman provided for by this Act shall not enter upon the discharge of his duties until he shall have, before some officer authorized by law of the State to



administer oaths, subscribed to, in writing, the oath hereinafter set out, and shall have filed the same in the case of Central or State Executive Committeemen, with the State Board of Primary Election Commissioners; and in the case of other Committeemen, with the Clerk of the County Court of the Committeeman's residence; and unless this provision is fully complied with, the office of Committeeman shall be deemed, in law, vacant. This oath shall be substantially in the following form:

"State of Tennessee,

Oath.

"County of .....

"I, ..., having been chosen .... Committeeman of the .... political party, doth hereby solemnly swear (or affirm) that I will faithfully perform and discharge the duties of said office imposed upon me by law, without partiality, fear, or favor; and that I will report to the committee of which I am a member any act of omission or commission on the part of any one violating the primary laws of the State.

"(Signed) .....

"Sworn to and subscribed to before me this .... day of .....

(Signed) ".....",  
"....."

SEC. 8. *Be it further enacted*, That the failure, neglect, or refusal of any Committeeman to do or perform any duty imposed upon, or to do any act required of him, under the provisions of this Act or his doing any act violative of or prohibited by the provisions of the same, or his acting or undertaking to act as Committeeman or discharge the duties of a Committeeman without first taking and filing his oath of office as prescribed by this Act, shall of itself constitute a vacancy in his office; and shall be, and is hereby, declared a misdemeanor, punishable by fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) and imprisonment in the county jail, at the discretion of the court; *provided, however*, that this section shall not apply to or qualify any provisions of this Act hereinbefore or hereinafter contained which otherwise define and declare offenses and prescribe punishment therefor.

Misdemeanor  
for failing to  
take oath.

To hold con-  
vention—  
when.

SEC. 9. *Be it further enacted*, That the Central or State Executive Committee shall call a State convention of the political party it represents, the time of holding the convention to be within a period not earlier than the twentieth nor later than the thirtieth day following the date prescribed by this Act for holding the second or run-off primary, which convention shall be composed of the delegates elected in the primary hereinbefore provided.

Said State convention shall select party presidential electors, party delegates to the national convention; formulate a party platform, if it chooses; select Central or State Executive Committeemen in the manner and upon the basis hereinbefore prescribed; declare nominations certified to it as prescribed by this Act; determine contests over party nominations; pass upon questions involving the rights of delegates to sit in the convention; and exercise such other powers as may be necessary to the execution of its functions and the enforcement of this Act, but not so as to impair or violate the directions, restrictions, or limitations of the same.

Primary Elec-  
tion Boards.

SEC. 10. *Be it further enacted*, That there shall be, and is by this Act, created two Primary Election Boards in and for the State of Tennessee, composed of three members each, and to be known respectively as the Democratic State Board of Primary Election Commissioners and the Republican State Board of Primary Election Commissioners, which said Boards shall have and exercise the powers conferred and perform the duties prescribed by this Act.

How elected.

SEC. 11. *Be it further enacted*, That the respective members of said State Boards shall be elected by the vote of the General Assembly in joint session prior to the first Monday of April, 1909, at a date fixed by joint resolution of said body; and thereafter by joint vote of the General Assembly during each biennial session of the same there shall be elected one member of each of said Boards on such date prior to the said first Monday of April as may be fixed by the joint resolution of both Houses of said body.

Term of office.

SEC. 12. *Be it further enacted*, That the terms of office of the respective members of said Boards first elected as hereinbefore provided shall be for two

(2), four (4), and six (6) years, respectively, from the said first Monday of April, 1909; the time of each member of the first elected Board to be fixed when he is elected by the joint vote of the General Assembly as hereinbefore provided; and thereafter the term of the members elected at each recurring biennial session of the General Assembly shall be for six (6) years, and the members of said Boards shall continue in office until their successors are elected and qualified.

SEC. 13. *Be it further enacted*, That the members of said Boards elected in the first election herein provided for and in succeeding elections or appointed to fill any vacancy shall be a bona-fide member of the political party which they are elected or appointed to represent.

SEC. 14. *Be it further enacted*, That vacancies occurring while the General Assembly is in session shall be filled by the joint vote of the General Assembly; those occurring while the General Assembly is not in session, by the remaining members of the Board in which the vacancy arises; vacancies leaving but one member of the Board at the same time, by the Secretary of State, Comptroller, and Treasurer; *provided, however*, the session of the General Assembly succeeding the filling of a vacancy by appointment shall by its joint vote elect to supply the place theretofore filled by appointment. As soon as practicable after their election, and within fifteen days, the members of said Board shall respectively qualify, convene, and organize by the election of a Chairman and a Secretary, and a majority of said Board shall constitute a quorum.

vacancies—  
how filled.

SEC. 15. *Be it further enacted*, That before entering upon the discharge of the duties of his office, each member of said Boards shall, in writing, subscribe to an oath before some authority authorized to administer oaths, to be filed in the office of the Secretary of State, that he will support the Constitution of the United States and of the State of Tennessee, and without fear or favor or partiality discharge the duties of his office, canvass returns of the primary and count the vote as cast for each candidate and make due certification thereof as prescribed by this Act; and until this prescribed quali-

Oath of.

fication is complied with the office to which he was elected shall be deemed vacant.

If any member of the said Boards shall discharge, or attempt to discharge the duties of his office before qualifying and filing his oath as herein directed, or shall after his qualification fail, refuse, or neglect to do or perform any duty imposed upon him by the provisions of this Act, or shall violate the same, or fail to conform to its requirements, such act shall of itself operate as a vacancy of his office and be deemed a misdemeanor, punishable by a fine of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) and imprisonment in the county jail, in the discretion of the court.

Compensation  
of.

SEC. 16. *Be it further enacted*, That the respective members of said State Boards of Primary Election Commissioners shall receive as compensation for their services the sum of two hundred dollars (\$200) each per annum, payable quarterly.

Such other expenses as may be authorized by this Act or necessarily incurred in the performance of the duties and functions prescribed shall become a State charge, to be presented by itemized statement, verified by the oath of the members, to the Comptroller of the Treasury, who, if the same is found correct, shall issue a Comptroller's warrant therefor.

Officers of  
elections.

SEC. 17. *Be it further enacted*, That the officers authorized to hold primary elections provided for by this Act shall consist of a Receiving Officer, three Judges, and two Clerks, who shall be appointed by the County Executive Committee of the party they shall represent in the primary at least ten days before the first or original primary election herein provided for, from a list furnished, in writing, by the respective Committeemen of the respective wards and civil districts to the Chairman of the committee, or to the committee in session on or before the date of the appointment by the County Committee of the election officers.

Candidates  
may present  
names.

(1) Candidates may also present in the same manner a list of names from which the County Committee may appoint election officials. If the Ward or Civil District Committeeman shall fail in the performance of this duty, the County Committee may, nevertheless, proceed to select and appoint the elec-

tion officers. The appointment of the Judges and Officers of the primary election shall be made by the County Committee in session or by such subcommittee composed of the members thereof as may be chosen by the County Committee for that purpose.

(2) The officers appointed to hold the primary shall all of them be voters qualified to vote in the primary, be able to read and write, and well known and unquestioned members of the political party they are chosen to represent in the primary, and be residents of the ward or civil district of the voting precinct at which they are to act.

(3) The list of the election officers of the primary, with the voting precincts at which they are to act, shall, by the County Executive Committee or its authorized agents, be published over the official signature of the Chairman of the committee not less than ten days before the primary in a newspaper in the county, if there be one, and marked copies of the publication shall by the said Chairman be delivered in person or by mail to each Officer, Judge, and Clerk of the election at least ten days before the date of the primary.

List of officers  
to be published.

If there shall not be a newspaper in the county, said Chairman, under his signature, shall deliver, at least ten days before the primary, either in person or by mail a notice to each Officer, Clerk, and Judge of the election of his appointment and the precinct at which he is to serve.

(4) The list of the election officers selected shall be open to inspection by any candidate or his representative authorized in writing, and upon the request of either made in writing he shall be furnished a list of the election officers.

(5) The election officials chosen to hold primary elections shall be fairly and impartially selected, and as far as possible be equally divided amongst the candidates, and shall be required to serve without compensation.

To serve without compensation.

(6) If at the time for opening the primary one of the primary Judges be absent or refuse to act, the Judges present shall appoint some qualified primary elector of the precinct to act in his place. If two of the primary Judges be absent or refuse to act, the Judge present shall fill the vacancies in the same

Judges to appoint Judge—when.

manner as above provided. If all three of the primary Judges be absent or refuse to act, the qualified primary electors present who reside in the precinct shall select three of their qualified members to act as primary Judges. If the Officer or the Clerk or Clerks shall be absent or refuse to act, their places shall be filled by the Judges of the primary. In each instance the appointments shall be from the same political party as that of the person causing the vacancy.

Election officers' powers.

(7) The election officers provided for by this Act shall have, and are hereby invested with, all the powers, duties, and privileges of election officers acting under the general election laws of the State, and any act or deed declared by the general laws of the State as an offense in the case of the officers of regular State elections is hereby declared to be an offense in the case of officers of such primary elections and shall be punishable in the same form and manner as prescribed by the general law.

SEC. 18. *Be it further enacted*, That before entering upon the discharge of their duties the Judges of the election shall take and subscribe to, in writing, the following oath, to be administered by the officers of the primary election, written or attached to and returned with the primary returns—viz.:

Oath to be taken by Judges.

“State of Tennessee,

“County of . . . .

“We, the undersigned, . . . ., Judges of the primary election, this day held at . . . . precinct of the said county of . . . ., do hereby solemnly swear that we will, without fear, favor, or partiality, discharge our duties as officers of said election; that we will, in so far as lies within our power, permit no one to vote in the primary who is not entitled to vote in the same under the primary laws; that we will fairly count each vote as cast and fairly and accurately have the same tallied; that when the vote is counted and tallied, we will securely inclose the two sets of poll lists and tally sheets, one set each, in a durable envelope and address one to the Clerk of the County Court of the aforesaid county and the other to the State Board of Primary Election Commissioners, Nashville, Tenn.; that we will also, in the en-

velope addressed to the Clerk of the County Court, inclose the ballots cast in the primary and any written oaths made by voters; that we will have the names of one or more of the Judges of the primary written across the sealed portion of the said envelopes and indorse thereon the voting precinct at which we are Judges; that we will immediately and without delay in person by one of the Judges or the Officers of the election, or by mail or express, have without change, alteration, or substitution, or being out of my possession, the said poll lists, tally sheets, and ballots, and oaths, respectively, as thus secured, delivered to the Clerk of the County Court and the State Board of Primary Election Commissioners; and that we will not directly or indirectly solicit or influence any voter in favor of or against any candidate, nor attempt to do so, nor permit any other person to do so in our view or presence while the voter is exercising his right to vote in the primary.

“(Signed).

“....., Judge.

“....., Judge.

“....., Judge.”

“Sworn to and subscribed before me this, the .... day of ....., 19....

....., Officer.”

Before entering upon the discharge of the officer's duties, one of the Judges shall require the Officer to take and subscribe to an oath, in writing, attached to or upon and returned with the primary returns, as follows:

“State of Tennessee,

“County of .....

“I, ....., the undersigned, Receiving Officer of the Officers' oath. primary election held at .... precinct of the said county of ....., do solemnly swear that I will, without partiality, favor, or fear, discharge the duties of my office; that I will receive and deposit in plain view of the voter each ballot received by me from him, without change, substitution, or alteration; that I will call, in counting the ballots, the name of each vote as cast for each candidate; that I will, without substitution, alteration, or change, and without being out of my possession, deliver in person or

by mail or express to the authority designated by this Act to receive returns, such returns as may be delivered to me by the Judges for that purpose; that I will not directly or indirectly solicit, influence, or attempt to do so, any voter in favor of or against any candidate in the primary, or permit the same to be done by any person in my view or presence while the voter is exercising his right to vote in the primary.

(Signed) . . . ., Officer.

"Sworn to and subscribed before me, this . . . . day of . . . ., 19... . . . ., Judge."

Before entering upon their duties, the Clerks of the primary shall take and subscribe to, in writing, an oath, to be administered by one of the Judges of the primary, and attached to or upon and returned with the primary returns, as follows—viz.:

"State of Tennessee,

"County of . . . .

Clerks' oath.

"We, the undersigned, Clerks of the primary election held at the . . . . precinct of said county of . . . ., do hereby solemnly swear that we will discharge the duties of our office without partiality, fear, or favor; that we will correctly keep the poll lists of the primary, recording upon the same the name of each voter; that we will not record upon the same the name of any person not voting in the primary; that we will not permit or suffer any lists to be substituted for the bona-fide poll lists or any names to be added thereto or taken therefrom; that we will keep a correct and accurate tally of the votes cast for each candidate; and that we will permit no change, alteration, or substitution of the lists or tallies while in our possession.

(Signed)

" . . . ., Clerk.

" . . . ., Clerk."

"Sworn to and subscribed before me, this . . . . day of . . . ., 19... . . . ., Judge."

Judges and  
Officer to ad-  
minister  
oath.

For the purposes of this Act the Receiving Officer and the Judges of the primary election are hereby invested with the full power and authority to administer the oaths prescribed by this Act, either to the election officials or any elector.



SEC. 19. *Be it further enacted*, That the primary elections provided for by this Act shall be held at the voting precincts of the wards and civil districts which at the time have been declared by law as the voting precincts of a county between the hours of 9 o'clock A.M. and 4 o'clock P.M.; *provided, however*, the County Executive Committees shall have the power, in precincts which may require the same to be done, by reason of the occupation of qualified voters, to extend the time of closing the polls to a time not later than 7 o'clock P.M. Polls open—  
time of.

Such extension of time shall be evidenced by a publication of the Chairman of the County Executive Committee in a newspaper of the county; and if no newspaper, by poster on the courthouse door of the county, made at least ten days before the date of the primary.

SEC. 20. *Be it further enacted*, That no person shall be eligible to vote in the primaries provided for by this Act who shall not, at the time of the same, be qualified to vote in the next general election held under the laws of the State. Who qualified  
to vote.

(1) Each voter, before voting in the primary, shall produce the evidence required by the general laws of the State that he has paid the poll tax imposed upon him by law for the year next preceding the primary election; and, also, to establish if the registration law prevails in his voting precinct, that he has been duly registered in the same manner as in a general election under the laws of the State.

(2) The Registration Commissioners having charge of the registration books of any primary voting precinct where the registration law prevails shall be required to have and keep by one or more of its members from the opening to the closing of the polls the registration books or a duly certified copy thereof to be used as evidence of the registration or non-registration of voters of the precinct. Registration  
books.

(3) Also the County Trustee of the county shall have at each voting precinct a certified copy of the list of voters in the civil district or ward of the voting precinct who have paid their poll tax for the preceding year, which list shall be placed in the hands of the Officer or Judges of the election on or before the opening of the polls of the primary elec- Poll tax—list  
of.

(4) The respective counties shall make such compensation for the said services of Registration Commissioners and of the County Trustee, rendered as above required, as in the discretion of the County Court may be deemed just and proper.

Mail carriers  
to vote—  
where.

SEC. 21. *Be it further enacted*, That the electors in the primary shall vote in their districts, as required by the general laws of the State; *provided, however*, the exceptions contained in the general laws of the State shall prevail in the primary election; and, *provided, also*, that mail carriers, who by reason of being engaged at the time in actual service of transporting mail, may vote at a precinct in which they are engaged at the time of transportation.

SEC. 22. *Be it further enacted*, That it shall be unlawful for any voter in said primary to vote in the same, except with the party of his political affiliation; but this provision shall not apply so as to prevent any voter from changing his political affiliation by an open declaration to that effect made at the time he casts his vote to the Judges of the primary, which change shall, by the Clerks, be noted on the poll lists.

(1) Any voter desiring to vote in the primary election of either political party shall, when he casts his vote, state his name, his residence, and his political affiliation to the Judges of the primary, one of whom will announce the voter's political affiliation in a tone of voice sufficiently distinct as to be heard by the persons present at the primary place.

To qualify  
voter.

(2) If the Judges of the primary election or any one of them shall have any doubt of the voter's qualification or party affiliation, or the voter should be challenged, the Judges of the primary election shall require of him to establish his right to vote; and no person shall be allowed to vote unless he declares to the Judges his party affiliation, or unless, as before provided, he makes a declaration in good faith of his change of party affiliation.

(3) Whenever any Judge entertains a doubt of the elector's qualification or party affiliation, or a challenge is made as to qualification or party affiliation, the elector shall be refused his vote unless he shall take and subscribe to an oath, in writing, administered by one of the Judges, to be filed and returned

with the primary returns, which oath may be in the following form—viz.:

“State of Tennessee,

Oath of voter.

“County of .....

“I, ....., do solemnly swear (or affirm) that I am a citizen of the United States of America, of the age of .. years; that I am a qualified voter, qualified to vote under the laws of the State of Tennessee in the next general election; that I reside at ....., and am a member of and belong to the .... political party. (Or if the voter desires changing his party affiliation as before prescribed): I now intend, in good faith, to affiliate with and become a member of the .... party. (Signed) .....

“Sworn to and subscribed before me this, the .... day of ....., 19... ....., Judge.”

(4) Any voter who willfully or purposely votes in the primary of a party other than his own, or willfully and knowingly swears falsely to the before prescribed affidavit shall be guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) and by imprisonment in the county jail, at the discretion of the court, for a period of not more than three months. Penalty for false swearing.

(5) No elector shall be allowed to vote in the primary who has sold or offered to sell, directly or indirectly, his vote or influence for the support or defeat of a candidate in the primary; nor any elector, who has paid or offered to pay anything for another's vote or influence for or against a candidate in the primary.

(6) If any Judge shall have any reason to believe that such is the case, or the elector is challenged upon such ground, the Judges shall swear the voter; and if upon his oath he fails or refuses to declare that he has not committed such offense, his vote shall be refused by the Judges.

SEC. 23. *Be it further enacted*, That the election officials of the primary shall keep two sets of poll lists and tally sheets, upon which shall be recorded the name of each voter voting in the primary and Tally sheets and poll lists.

an accurate tally of the vote cast for each candidate, and which shall be returned as prescribed hereafter.

Ballots sent to  
County Court  
Clerk.

(1) When the vote has been counted, tallied, and returns certified, the ballots cast in the primary, together with one set of poll lists and tally sheets, shall be immediately securely sealed in a durable envelope and addressed to the Clerk of the County Court of the county, whereupon one or more of the Judges of the election shall write his name across the sealed part of the envelope and indorse on the same the county and voting precinct.

Same to State  
Board.

(2) The other set of poll lists and tally sheets shall also be immediately sealed in a durable envelope addressed to the State Board of Primary Election Commissioners of the political party its represents, Nashville, Tenn., whereupon one or more of the Judges shall write his name across the sealed portion of the envelope and indorse thereon the county and voting precinct.

How delivered.

(3) The returns thus enveloped, securely sealed, addressed, and indorsed shall be respectively delivered in person or by mail or express by the Officer or one of the Judges of the primary election, the one set with the ballots cast to the Clerk of the County Court and the other to the said State Board of Primary Election Commissioners, all of which shall be promptly done.

(4) The failure, neglect, or refusal of any election official to perform the duties prescribed by this section shall be deemed a misdemeanor, punishable by a fine of not more [less] than ten dollars nor more than fifty dollars, except, if intentionally done, the guilty party shall be imprisoned in the county jail for thirty days.

Dortch law  
applies.

SEC. 24. *Be it further enacted*, That at voting precincts of the State where the law known as the Dortch law is controlling, the same rules and regulations of said law as to booths and the presence of persons within a prescribed distance shall apply to all primary elections held under this Act; *provided, however*, this section shall not apply to inspectors representing candidates as provided for by this Act.

SEC. 25. *Be it further enacted*, That each of the candidates to be voted for in a primary election held

under this Act shall, upon his conferring that authority in writing, have, from the opening of the polls until the vote shall have been counted and the returns and ballots have been, as heretofore prescribed by this Act, prepared for delivery to the authority authorized to receive the same, an inspector to watch the election; and upon the request of such inspector the Judges of the election shall give him a statement, signed by them and the Officer and Clerks of the primary election, setting forth the vote of each candidate cast at the precinct.

Candidate  
allowed  
inspector.

(1) To fail or refuse the inspector the inspection and presence provided for by this section shall be a misdemeanor on the part of any person therewith interfering, punishable as prescribed by the laws of the State as to misdemeanors.

(2) But the inspectors provided for by this Act are hereby prohibited from in any wise offering or attempting to influence the vote of any elector for or against any candidate; and should any inspector violate this provision, he shall be at once ejected by the Judges and lose his right of inspection, and shall be deemed guilty of a misdemeanor and punishable therefor as prescribed by the laws of the State for misdemeanors.

SEC. 26. *Be it further enacted*, That each candidate for a party nomination under this Act, before becoming eligible to enter the primary, or having his name placed upon the official ballot provided for by this Act, shall be required to file, in writing, with the State Board of Primary Election Commissioners or the County Board of Election Commissioners (or he may do so with both Boards) his application to become a candidate in the primary, in which he shall state his name, the office for which he desires a nomination, his political affiliation, and the name of the political party to the primary of which he desires submitting his name, which application must be filed at least thirty days before the date of the first or original primary; *provided*, that this provision shall not apply to persons to be elected as Ward and Civil District Committeemen of the county and to delegates to the said State convention in the manner herein prescribed.

Candidate to  
make appli-  
cation.

(1) In case an application is filed with a Board of County Election Commissioners, it shall at once forward to the State Board of Primary Election Commissioners a true copy thereof, certified to by the Chairman; and the original application and certified copies thereof shall become public records of said Board and preserved as such.

Penalty to vote  
unlawfully.

SEC. 27. *Be it further enacted*, That should any person not entitled to vote under the provisions of this Act in a primary vote or attempt to vote without being, where the registration law prevails, legally registered, or shall have in his possession for the purpose of using, or having another use, a false certificate of registration, or a certificate of registration not his own, or to which he is not entitled; or if any elector shall vote or attempt to vote, knowing he has not paid, and is liable for, the poll tax prescribed by this Act as a qualification for voting, or if any voter not otherwise qualified to vote in the primary, shall, knowing that he is not a qualified voter in the primary, vote, or attempt to vote, in the primary, such person shall be deemed guilty of a misdemeanor, punishable by a fine of not less than twenty-five nor more than fifty dollars and imprisonment in the county jail, at the discretion of the court.

Penalty to pur-  
chase votes.

SEC. 28. *Be it further enacted*, That any person who shall pay, or offer to pay, any money or other thing of value to any voter to purchase or influence his vote in the primary, or by threats or duress attempt to influence any elector for or against any candidate in the primary, or who shall solicit or accept any money or other thing of value to be used or exercised for the defeat or promotion of a candidate in the primary, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than fifty and not more than two hundred and fifty dollars and imprisonment for not more than ninety days, in the discretion of the court. This section shall be construed so as to embrace any payment, or attempt to pay, or the solicitation or receptive of payment of the voter's poll tax for the purpose of influencing or obtaining his vote for or against any candidate in the primary.

SEC. 29. *Be it further enacted*, That any candidate

for a primary nomination under this Act who shall to any person pay, give, or offer to pay or give, directly or indirectly, money or any thing of value, or who shall knowingly suffer any person to do so, for the purpose of obtaining the vote or influence of an elector in the primary, or obtaining his vote or influence against an opposing candidate, shall be ineligible for a place on the official ballot to be used in the general election under the laws of the State. Any person or opposing candidate of the same party is hereby, after a nomination is made, invested with the right to prefer, before the particular committee or body having the authority under this Act to canvass returns and count the primary vote, written specifications alleging that a candidate has been guilty of a violation of this section of this Act.

Upon the preferment of said specifications, the particular committee or body having the jurisdiction conferred by this Act may, and is invested with the power to do so, take proper steps to investigate and pass upon the specifications preferred; and if the same are established by such authority, and it shall so declare, the name of the candidate shall not be placed on the official ballots to be used in the general election held under the laws of the State; *provided, however*, the specifications preferred shall set forth with particularity the commission of the acts prohibited by this section and reasonable notice be given to the candidate charged, with the time and opportunity to defend the same.

SEC. 30. *Be it further enacted*, That when applications of candidates for nomination shall have been filed as prescribed, the State Board of Primary Election Commissioners shall have prepared and distributed for use in the primary an official ballot in conformity with the following requirements:

Form of  
ballots.

(1) The official ballot shall be uniform, except that the ballot of the political parties shall be of a different color or tint and have the different political designations hereafter prescribed.

(2) The ballot shall have printed at the head, in conspicuous type, the name of the political party in the primary of which the ballot is to be used.

(3) The ballot shall have printed upon the same the office to be voted for, the name of each candidate

entitled to have his name upon the ballot under the head of the office for which he seeks the nomination, the offices to be voted for to be placed in such order as the Board may prescribe, and how many candidates may be voted for for the same office shall be designated on the ballot.

(4) At the foot of the ballot there shall be spaces properly designated for the elector to interwrite, paste, affix, or stamp his choice for Ward and Civil District Committeeman and delegate to the said State convention.

(5) The ballot shall be uniform in length and width and without any distinguishing mark on the same, except as to color or tint and the official designation on the back and front thereof prescribed by this Act.

(6) The ballot shall indicate to the elector the number of Ward and Civil District Committeemen and delegates to the State convention for which he may vote.

(7) The ballot shall have printed on the back thereof the name of the political party in the primary of which it is to be used, and underwritten with the official signature of the Chairman of its State Board of Primary Election Commissioners.

Candidates'  
names.

(8) The name of each candidate shall be placed under proper headings of the offices for which they are candidates in the order of the filing with the said State Board of the applications of candidates or certified copies thereof forwarded by the said County Board. If two applications shall be filed at the same time, the names will be placed in alphabetical order.

(9) At least ten days before the date of the primary the State Board of Primary Election Commissioners shall deliver to each County Board of Election Commissioners the official ballots in the ratio of two hundred (200) ballots for every one hundred votes cast in the county in the presidential election next preceding the date of the primary. The ballots of the respective political parties, as hereafter prescribed, to be delivered in said ratio for each party by said County Boards for use at the polls.

(10) Also the State Board of Primary Election



Commissioners shall, at least ten days before the date of the primary, deliver to each Chairman of the County Executive Committee of its political party the official ballots in the ratio of two hundred ballots to every one hundred votes cast in the presidential election next preceding the date of the primary.

SEC. 31. *Be it further enacted*, That the County Boards of Election Commissioners of each county and the Chairman of the County Executive Committee of each county shall be, and are hereby, respectively placed under the imperative duty to deliver at the respective voting precincts of the county to the Officer or Judges of the primary at the time of or before the polls are opened the official ballots delivered respectively to them by the State Board of Primary Election Commissioners, which delivery shall at each voting precinct be in the ratio hereinbefore prescribed.

Boards to deliver ballots.

(1) Any candidate may, upon his application made in writing to the State Board of Primary Election Commissioners, at least ten days before the primary in which they are to be used, have delivered to him for use at the voting precincts the number of official ballots specified in his application, upon his paying the cost of printing and delivery of the same; *provided*, such ballots must be delivered to the candidate securely sealed in an envelope or package, and by him in person, or by some one for him, delivered to the Judges actually serving at the opening of the polls or during the voting, and which ballots thus securely sealed shall be delivered without breaking the package or envelope.

Candidate to have ballots—when.

(2) If the envelope or package containing the official ballot shall have been opened or broken, the ballots shall not be used, but the same shall be taken into possession by the Judges of the primary and cancelled or destroyed.

Ballots—how delivered

(3) The Chairman of the State Board of Primary Election Commissioners shall write his official signature across the sealed portion of the envelope or package, the number of ballots contained in the same, and the county or counties in which they are to be used, and for whom and to whom delivered.

SEC. 32. *Be it further enacted*, That the failure,

neglect, or refusal of the State Primary Board of Election Commissioners, or a County Board of Election Commissioners, or of the Chairman of any County Executive Committee to do and perform promptly and efficiently the duties and directions of the next preceding section of this Act shall of itself operate as vacation of office and be deemed a misdemeanor, punishable by a fine of not less than fifty nor more than two hundred and fifty dollars and imprisonment in the county jail, at the discretion of the Judge.

Also, if any person designated as an Officer or Judge of the primary election shall upon his reception of the ballots fail, refuse, or neglect to have at the polls at the opening thereof and during the voting the ballots received by him and faithfully account for the same, he shall be guilty of a misdemeanor and punishable as before prescribed in this section of this Act.

SEC. 33. *Be it further enacted*, That the Officer and Judges of the primary shall have at the polls at the opening thereof and during the voting the official ballots furnished them, and shall hand to each voter an official ballot to be used by him in the primary; and if any voter shall spoil or mar his ballot so that it cannot be used, he shall be given by the Judges another ballot upon returning to the Judges the one before delivered to him.

Ballots to be  
marked—  
how.

SEC. 34. *Be it further enacted*, That the elector voting in the primary shall indicate the candidate for whom he votes by marking or stamping a cross (X) mark opposite the name of the candidate of his choice, either to the immediate right or left of the name; *provided*, if the elector cannot read or write or be physically unable to do so, his choice may be thus indicated by having the Officer of the election fairly mark his ballot for him where the cross (X) mark is necessary, or interwrite, paste, affix, or stamp his choice for Ward and Civil District Committeeman and delegate, or, in either case, show the elector how to designate his choice; but this must be done in the presence of the Judges of the election.

(1) The provisions of this Act as to voting for candidates for nominations by placing the cross (X) mark of the voter opposite the names of the candi-

dates shall not apply to the election of Ward and Civil District Committeemen or delegates to the State convention, as the same, as heretofore provided, will be made by the voter interwriting, pasting, affixing, or stamping the name of the person of his choice in the blank spaces prepared for that purpose.

(2) If the Officer of the primary or any other person shall deceive or attempt to deceive an elector as to his ballot, or mark the ballot for any candidate than that of the elector's choice, he shall be deemed guilty of a misdemeanor, punishable by a fine of not less than fifty nor more than two hundred and fifty dollars and imprisoned, in the discretion of the court, for not less than thirty nor more than ninety days in the county jail.

SEC. 35. *Be it further enacted*, That the rules and regulations and penalties heretofore or hereafter prescribed as to the first or original primary election shall, unless otherwise provided by the terms of this Act, apply to second or run-off primaries.

The election officials appointed to hold the first or original primary shall hold the second or run-off primary; *provided, however*, in case of a vacancy occurring by reason of failure to serve, or otherwise, on the part of any election official, his place shall be filled in the same manner as is heretofore prescribed as to election officials in the first primary.

SEC. 36. *Be it further enacted*, That any ballot not in conformity with this Act, or not officially prepared and issued as provided by this Act, shall not be accepted or counted by the Judges of the primary election; and to deliver, or use, or vote in the primary any other than such official ballot shall be a misdemeanor, punishable by a fine of not less than twenty-five nor more than one hundred and fifty dollars and by imprisonment in the county jail, at the discretion of the court.

SEC. 37. *Be it further enacted*, That following the first or original primary the State Board of Primary Election Commissioners and the committee of the political parties designated by this Act shall convene at the places, times, and for the purposes prescribed by this Act—viz.:

(1) Each County Executive Committee of its party

Who to hold  
run-off pri-  
mary..

shall convene at the courthouse of the county at 1 o'clock P.M. on Saturday following the date of the first primary, and biennially thereafter at such time and place; and each Senatorial District Committee, Floterial District Committee, and Congressional Committee, on the second Wednesday next following the above date of the first primary, and biennially thereafter at said date at such place and hour as shall be designated by the Chairman of the respective committees in the calls prescribed by this Act.

State Board to  
convene—  
when.

(2) The State Board of Primary Election Commissioners shall convene on the second Saturday following the date of the first primary at 1 o'clock P.M. at the Senate Chamber of the State Capitol at Nashville, Tenn., and biennially thereafter at said time and place.

(3) At the said prescribed meeting of the County Executive Committees the returns of the primary deposited with the Clerk of the County Court shall be opened, canvassed, and the vote counted and tabulated by voting precincts for the following officers—viz.: County officers, direct county Representatives to the General Assembly, District Senators, District Floterial Representatives, and members of the House of Representatives of the Congress.

(4) If it shall then appear that any candidate for a county office or direct Representative to the General Assembly has received in the primary a majority of the popular vote cast, the said County Executive Committee shall certify the result, declare the candidate the party nominee, and deliver to him a certificate to that effect; but if it shall appear that any candidate for a county office or direct county Representative to the General Assembly has not secured a majority of the popular vote cast for such office in the primary, a run-off or second primary shall be ordered as prescribed by this Act.

(5) The said County Executive Committee shall also declare the persons respectively securing the largest number of votes cast in the primary for Ward and District Committeemen and delegates to the State convention nominated and elected, and issue to them, respectively, certificates to that effect, which shall constitute their credentials of nomination and election.

(6) When the returns shall have been canvassed, counted, and tabulated by voting precincts as to the offices of District Senator, District Floater, and member of Congress, the County Executive Committee shall prepare a copy of its canvass, count, and tabulation and immediately in person or by mail or express deliver before the second Wednesday following the date of the first primary a copy, certified and signed, with the official signature of the Chairman of the County Executive Committee and Secretary, respectively, to the Clerk of the County Court of the county, and to the Chairman of the respective District Senatorial, District Floaterial, and District Congressional Committees having the authority to declare nominations.

Senator, Floater, and Congressman—returns of.

(7) The Senatorial, Floaterial, and Congressional Committees shall convene at the time prescribed by this Act and at the place and hour designated in the call of the Chairman thereof, and consider the certifications delivered them by the County Committees as prescribed by this Act; and if it shall appear that a candidate has received a majority of the popular vote cast in the primary, such committee shall declare him the party nominee for the office for which he was a candidate and issue to him a certificate to that effect; but if it shall appear that a majority nomination has not been thus made, the committee having charge of the matter shall order a run-off or second primary as prescribed by this Act.

Senatorial Committees to meet—when.

The committee designated in this section shall have the power to inspect and, for the purpose, send for any returns deposited with the County Court Clerk, should it be necessary to do so, to verify the copy of the certificate of the County Executive Committee; but such returns shall be returned intact to the Clerk of the County Court from whom they were obtained.

(8) The State Board of Primary Election Commissioners shall convene at the time and place prescribed by this Act, canvass the returns deposited with them, count, and tabulate the vote by voting precincts and counties and certify to and file the result as an official record of its office. If it shall appear that a candidate has received a majority of the popular vote cast in the primary, the said State

Board shall certify duplicate copies of its canvass, count, and tabulation, one of which shall be filed in its office as an official record, and the other delivered to the State convention when convened. But if it shall appear that a candidate has not received a majority of the popular vote cast in the primary for the office for which he was a candidate, said State Board shall order a run-off or second primary as prescribed by this Act.

SEC. 38. *Be it further enacted*, That in the event of a run-off or second primary, the political authority ordering the same shall convene at the time and places and for the purposes hereinafter prescribed—  
viz.:

County Executive Committee to convene.

(1) If a County Executive Committee, it shall convene at the courthouse of the county at 1 o'clock P.M. on the Saturday following the date of the second primary; if a District Senatorial, District Floterial, District Congressional Committee, on the second Wednesday following the date of the second primary, at the time prescribed by this Act, and at the place and hour designated in the call of the Chairman; and if a State Board of Primary Election Commissioners, on the second Saturday following the date of the second primary, at the Senate Chamber at 1 o'clock P.M.

Second primary returns.

(2) The County Executive Committee shall open the returns of the second primary deposited with the Clerk of the County Court, canvass them, count and tabulate the vote by voting precincts for county officers and direct county Representatives in the General Assembly, whereupon the candidate receiving the highest vote shall by said committee be declared the party nominee.

(3) The said County Executive Committee shall also canvass the returns of the second primary, count and tabulate the vote by voting precincts for nominations for all offices embraced in the primary, except for United States Senator and those pertaining to the entire State, one copy of which, certified to by the Chairman and Secretary of the committee, shall be filed with the Clerk of the County Court of the county, and one each with the District Senatorial, District Floterial, and District Congressional Committees having the authority to declare a nomination.

(4) The committees designated in the last clause, to whom certifications have been made, shall, respectively, convene at the time heretofore prescribed by this Act, and at the place and hour named in the call of the Chairman, whereupon the committee shall consider the certifications delivered by the County Executive Committee and declare the candidate receiving the highest number of votes cast in the run-off or second primary the party nominee for the office for which he was a candidate, and shall issue to him a certificate to that effect. These committees shall also have the power, should it be necessary, to verify the certifications sent them by the County Executive Committees, to send for the county returns deposited with the County Court Clerk; *provided*, they shall be returned intact to the Clerk from whom they were obtained.

(5) The State Board of Primary Election Commissioners shall convene at the time and place before described, open the returns of the second or run-off primary delivered to it, canvass the returns, count and tabulate the vote by voting precincts, and officially certify the result in triplicate, one of which certificates shall be filed by it in the office of the Secretary of State, one in its own office as a permanent official record, and the other to be delivered, when it shall have convened, to the State convention provided for by this Act, as its authority to declare nominations to the Senate of the United States and offices pertaining to the entire State.

(6) Any candidate shall have the right to be present at any canvass of the returns made under this Act, or to be represented during the same by any person authorized by him in writing.

Candidate may  
be represented at  
canvass of  
returns.

SEC. 39. *Be it further enacted*, That if a member of any committee, or a member of any State Board of Primary Election Commissioners, or the said State Board of Primary Election Commissioners, shall knowingly fail, neglect, or refuse to fairly canvass or count the vote of each candidate for a nomination, or shall add to or take from the vote of him in said primary, or to fairly certify the canvass and count of the primary vote, or shall suffer or permit the canvass or count of any returns known to them to be fictitious or fraudulent, or shall fail to do or

perform any direction or mandate of this Act prescribed for a fair primary election, it shall be, and is, hereby declared a misdemeanor, operative of itself as a vacancy of office, and punishable by a fine of not less than fifty nor more than two hundred and fifty dollars, and also by imprisonment in the county jail for a period of six months.

To publish notice of convening State Convention.

SEC. 40. *Be it further enacted*, That the Central or State Executive Committee shall, not less than ninety days before the date of the convention fixed by this Act, by proper notice and publication, give notice of the time and place of convening the State convention provided for by this Act, the time to be within the period prescribed by this Act; *provided*, that if the Central or State Executive Committee of a political party shall fail to make the call hereby directed, then the State Board of Primary Election Commissioners of that party shall do so, not less than sixty days prior to the said prescribed date.

State Board to publish time of meeting.

SEC. 41. *Be it further enacted*, That the State Board of Primary Election Commissioners and the other committees constituted by this Act shall, not less than fifteen days prior thereto, give notice of the convening of their committees for the purpose of canvassing the returns and counting the votes of the first primary, which notice shall set forth the time and place of convening and the purpose thereof. When the authority constituted by this Act shall have declared a run-off or second primary, notice in the like manner shall be given of the time and place and purpose of convening for the canvass and count of the returns of the second primary, as prescribed by this Act, which notice shall be given as soon as a second or run-off primary is declared. The notice provided for in this section, as to either primary, shall be published in a newspaper and marked copies delivered in person or by mail to the respective members of the canvassing body, which duty shall be performed by its Chairman. But if there shall be no newspaper in which the publication can be made, it shall be given by the written communication of the Chairman, delivered in person or by mail.

SEC. 42. *Be it further enacted*, That such expenses



as may be necessary to hold the primary provided for by this Act, and not by the provisions of the same made a State or county charge, shall be paid by the political party holding the same; but such expenses may be assessed by the committee or body having charge of the declaration of nominations against the candidates seeking the primary nomination, in fair proportion; but such assessment, if it is made at such time and with such reasonable opportunity as will permit a payment by the candidates, may be declared a condition against becoming the party nominee; *provided*, the assessment made against a candidate shall not exceed the following sums—to wit: For a county office or legislative member, from a county, not more than ten dollars (\$10); Senatorial and Floterial Representatives, not more than twenty dollars (\$20) for the district; for Congressional District offices, not more than fifty dollars (\$50) for the district; State offices, not more than two hundred and fifty dollars (\$250); and for the office of United States Senator, not more than five hundred dollars (\$500); and in the event of a surplus, the same shall be proportionately refunded to the candidates assessed.

Expenses of  
primary to  
be paid by.

SEC. 43. *Be it further enacted*, That the respective counties of the State shall pay the necessary expenses incurred by County Board of Election Commissioners in performing the duties prescribed by this Act, and per diem at the rate of one dollar per day to each member while in the actual discharge of such duties.

County to pay  
expenses of  
County  
Board.

SEC. 44. *Be it further enacted*, That if there should, at the time of the passage of this Act or thereafter, in any county of the State, be two or more County Executive Committees of the same political party, claiming to be the regular County Executive Committee thereof, such contention shall be determined as follows—viz.:

(1) The State Board of Primary Election Commissioners shall, after giving, in a newspaper published in a county, and if there be no newspaper, by poster, on the door of the courthouse of the county, not less than thirty days' notice of the same, order a special primary election for the selection of a new Executive Committee of that party for the county.

(2) The said State Board of Primary Election Commissioners shall appoint, giving each faction a fair representation, the election officials to hold the said special primary at each voting precinct of the county, to be of the same number and character, to have the same powers and perform the same duties, and to be governed, in so far as applicable, by the same rules and regulations as are by this Act prescribed for general primaries, especially in that one set of the returns and the ballots shall be returned to the Clerk of the County Court, and the other to the said State Board; *provided, also*, that the said State Board shall, in writing, notify the Chairmen of the respective contesting factions of the date of the special primary and furnish to them a list of the election officials.

State Board to  
convene—  
when.

(3) The said State Board of Primary Election Commissioners shall, on the tenth day after the date of the special primary, convene in the Senate Chamber at 1 o'clock P.M., Nashville, Tenn., canvass, count, and tabulate the returns by voting precincts, and declare the result by an official certification filed in the office, which said action by said State Board shall be final.

(4) The rules and regulations prescribed by this Act for general primaries shall, as far as applicable, apply to and govern the action of the said State Board in conducting the special primary.

(5) The special primary shall be held not later than three months next before the general primary provided for by this Act, unless the controversy to which this section refers shall have arisen later, in which event the special primary shall be ordered by the said State Board as soon as practicable and upon such notice as it may prescribe.

(6) The expenses of holding a special primary under this section shall be paid by the political factions, or the authorities representing them, and for this purpose the said State Board is vested with the authority to make assessment and prescribe rules and regulations necessary to the enforcement of the payment of the assessment.

(7) The State Board of Primary Election Commissioners shall prescribe the character of uniform ballot to be used in the special primary and deliver

the same to the Chairman of the respective factions for distribution at the polls.

SEC. 45. *Be it further enacted*, That if a candidate for party nomination shall have qualified for entering a primary by filing his written application within the time and manner required by this Act, and no other candidate shall, for the same nomination, have, at the expiration of the time of filing application, likewise qualified himself to become a candidate for nomination in the primary, the proper party authority shall declare the qualifying candidate the nominee—viz.: For county officers and direct Representative in the Legislature, by the County Executive Committee; for Congress, by the District Congressional Committee; for State Senator, by the District Senatorial Committee; for Floater, by the District Floterial Committee; for United States Senator and officers pertaining to the entire State, by the Central or State Executive Committee.

In case only one candidate qualifies.

SEC. 46. *Be it further enacted*, That in case of a vacancy occurring in a nomination for United States Senator and officers pertaining to the entire State, the vacancy shall be filled by the Central or State Executive Committee, as hereafter prescribed; for county offices and direct County Representatives, by the County Executive Committee; for District Senatorial and Floterial nominations, respectively, by the Senatorial and Floterial Committees; for nominations for Congress, by the Congressional Committee, in the mode hereafter prescribed—that is, the vacancy, if time permits, shall be filled by nominations provided for by the said respective party authorities in such manner as will be deemed best to meet the popular will of the electors of the nominating party; *provided, however*, if the time be too short to do this, the committee having control of the matter may fill the vacancy by its nomination; but only when the shortness of time precludes the method of nomination heretofore prescribed by this Act.

Vacancy—how filled.

SEC. 47. *Be it further enacted*, That the State Board of Primary Election Commissioners shall have prepared and printed the poll books, with the oaths of the officers appended, copies of this Act, and blank oaths for the use of voters—viz.:

Poll books and oaths.

(1) The said State Board shall at the same time

official ballots are forwarded as hereinbefore prescribed to the County Boards of Election Commissioners and Chairmen of the County Executive Committees, respectively, deliver to each of said authorities the supplies provided for by this Act; to the County Board and Chairmen each two sets of poll books and one copy of this Act for each voting precinct to enable each of said authorities to, as prescribed by this Act, deliver two sets of poll books and one copy of this Act to the Judges of each voting precinct of the county.

(2) The said Board of Election Commissioners and Chairmen of the County Committees shall, at the same time the ballots are respectively by them delivered to the Judges of the election, also respectively deliver to the Judges of the election of each voting precinct the two sets of poll lists, one copy of this Act, and copies of oaths forwarded them by the State Board, all of which shall be done by the time the polls of the primary are opened.

Candidate to  
be furnished  
poll books—  
when.

(3) Any candidate, upon paying the actual cost thereof, may, at any time before the polls are opened, obtain from the said State Board and have at the voting precincts poll books and copies of this Act.

(4) If for any reason poll books shall not be delivered to the Judges of the election, as provided by this Act, Judges may supply the same in conformity with this Act.

SEC. 48. *Be it further enacted*, That the respective grand juries of the State are hereby invested with inquisitorial power to present and investigate the offenses defined by this Act, send for witnesses and examine the same as to such offenses; and the respective Judges of the courts, having jurisdiction, shall charge the grand juries with regard to the same.

SEC. 49. *Be it further enacted*, That all Acts in conflict, in whole or in part, with this Act be, and the same are, hereby repealed, and that this Act take

effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved

*Governor.*

Passed by the Senate, notwithstanding the objections or veto of the Governor, February 19, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

EDW. W. THOMAS,  
*Chief Clerk of the Senate.*

Passed by the House of Representatives, notwithstanding the objections or veto of the Governor, February 19, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

EDW. B. MARTIN,  
*Chief Clerk of the House.*

## CHAPTER 103.

### SENATE BILL No. 270.

(By Mr. Lane.)

AN ACT to amend an Act entitled "An Act to create a State Board of Elections; to provide for the manner of their appointment, their terms of office, their compensation, and to define their duties and powers," passed April 9, 1907, approved by the Governor April 12, 1907, and being Chapter 435 of the printed Acts of 1907.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of Chapter 435 of the Acts of 1907 entitled "An Act to create a State Board of Elections; to provide for the manner of their appointment, their terms of office, their compensation, and to define their duties and powers," be, and hereby is, amended so as to read as follows: "That there shall be elected by the joint vote of both Houses of the General Assembly a Board of three persons to be known as the 'State Board of Elections,' which shall have and exercise all the powers conferred upon said Board by the Acts of 1907, Chapter 435, entitled as set out in the caption hereof."

Date of  
election.

SEC. 2. *Be it further enacted*, That Section 3 of said Act of 1907, Chapter 435, entitled as set out in the caption of this Act, be, and is hereby, amended so as to read as follows: "That the members of the first State Board of Elections shall be elected prior to the first Monday of April, 1909, upon a date to be fixed by joint resolution of the General Assembly, and thereafter during each biennial session of the General Assembly one member of such Board shall be elected on such date prior to the first Monday of April as may be fixed by joint resolution of both Houses of the General Assembly."

Term of office.

SEC. 3. *Be it further enacted*, That Section 4 of said Chapter 435 of the Acts of 1907, entitled as set out in the caption of this Act, be, and hereby is, amended so as to read as follows: "That the terms of office of the members of the State Board of Elections first elected as hereinbefore provided shall be

for two (2), four (4), and six (6) years, respectively, from the first day of April, 1909. The terms of each member of the first Board shall be fixed when he is elected by joint vote of the General Assembly as hereinbefore provided, and thereafter the term of the member elected at each recurring biennial session of the General Assembly shall be for six (6) years from the first Monday of April succeeding his election. All members of said State Board of Elections shall continue in office until their successors are elected and qualified, and all elections of successors to the first Board, or to fill vacancies in that or any subsequent Board, shall be bona-fide members of the same party to which the member whose successor is to be elected or the member causing the vacancy belonged. All vacancies shall be filled as in the first instance by joint vote of the General Assembly, except vacancies occurring when the General Assembly is not in session, when if the office of only one member is vacant an appointment to fill such vacancy shall be made by the remaining members of the Board within thirty (30) days after the vacancy occurs; and, *provided, further*, that in the event the remaining Commissioners fail to fill the appointment within the time mentioned, the same shall be filled by the Secretary of State, Comptroller, and Treasurer, or a majority from the same party in which the vacancy occurred, to hold until the convening of the General Assembly; but if there be more than one vacancy on said Board, the same shall be filled by appointment of the Secretary of State, Comptroller, and Treasurer, or a majority of those officers.”

Vacancies—  
how filled.

SEC. 4. *Be it further enacted*, That Section 8 of said Chapter 435 of the Acts of 1907, entitled as set out in the caption of this Act be, and hereby is, amended to read as follows: “That said State Board of Elections shall select and appoint on the second Monday in May, 1909, or as soon thereafter as practicable, and on the second Monday in May every two years thereafter, three (3) Commissioners of Elections from each county in the State; *provided*, that not more than two of said Commissioners shall be of the same political party, and that

Commission-  
ers of Elec-  
tions.

the representatives of the majority and minority parties shall be bona-fide members of the party they are appointed to represent, and any two members of said Board shall constitute a quorum for the transaction of business; that each member of the State Board of Elections herein provided for shall have the right and power to designate and appoint, without the consent of his associates, one of said Commissioners of Elections for each county; and, *provided, further*, that said State Board of Elections shall have full power to remove any Commissioner of Elections for cause or failure to perform his duties, and the vacancy thereby caused shall be filled by that member of the State Board of Elections who in the first instance appointed the Commissioner so removed.

“By minority party is meant the party polling in the State of Tennessee the second highest number of votes for presidential electors at any presidential election immediately preceding the appointment of officers under this Act.”

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved

*Governor.*

Passed by the Senate, notwithstanding the objections or veto of the Governor, February 19, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

EDW. W. THOMAS,  
*Chief Clerk of the Senate.*



Passed by the House of Representatives, notwithstanding the objections or veto of the Governor, February 19, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

EDW. B. MARTIN,  
*Chief Clerk of the House.*

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## CHAPTER 104.

### SENATE BILL No. 266.

(By Mr. Hord et als.)

AN ACT to amend an Act entitled "An Act to create Commissioners of Elections in every county of the State, to provide for their manner of appointment, term of office, and to define their duties and powers," passed April 9, 1907, and being Chapter 436 of the printed Acts of 1907.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* Section 9 of said Chapter 436 of the Acts of 1907, entitled "An Act to create Commissioners of Elections in every county of the State; to provide for their manner of appointment, term of office, and to define their duties and powers," be, and hereby is, amended so as to read as follows: "That it shall be the duty of said Commissioners of Elections within sixty (60) days prior to any election held within the county for which they are appointed, and at least ten days prior to any such election, to appoint and announce by publication in a newspaper of the county, if there shall be one, the appointment of three (3) Judges for each and every voting place in their county to superintend the election at the precinct or voting place for which said Judges shall be appointed; *provided, further,* that not more than two (2) of said Judges shall be of the same political party, if persons from different political parties are willing to serve, and they shall be appointed from the two (2) political parties most numerously represented in the ward, district, or precinct for which said Judges are

Commission-  
ers of Elec-  
tions.

appointed; and, *provided, further*, that each member of the Board of Election Commissioners shall have the right and power to designate and appoint one of the said Judges without the consent of his associates on said Board; and, *provided, further*, that two watchers representing the majority party in the State and two watchers representing the minority party in the State may be appointed at each and every precinct or voting place, and one of the watchers representing the majority party shall be appointed only by the Chairman of the County Executive Committee of the majority party in the State and the other by a majority of the candidates of the majority party running exclusively within the county in which the watches are to be appointed, and the watches representing the minority party shall be in like manner appointed one by the Chairman of the County Executive Committee of the minority party in the State and the other by a majority of the candidates of the minority party running exclusively within the county in which the watcher is to be appointed; and in case such candidates of either party fail to appoint the watchers as herein provided two whole days prior to the election, the Chairman of the County Executive Committee representing the party whose candidates failed to appoint such watcher shall appoint both watchers representing his party, and the appointment of said watchers shall be made in writing and signed by the parties herein authorized to make the appointment and presented to the Judges holding the election, and said watchers shall have full access to the polling places during the time the votes are being polled and during the time the votes are being counted, and the right to inspect all ballots while being called and counted and all tally sheets and poll lists during preparation and certification thereof; but they shall not in any way interfere with any voter in the preparation or casting of his ballot, or the Judges, Officers, or Clerks in the performance of their respective duties in the holding of the elections."

To appoint  
Clerks.

SEC. 2. *Be it further enacted*, That Section 10 of said Act of 1907, Chapter 436, entitled as set out in the title of this Act, be, and hereby is, amended so as to read as follows: "That said Commissioners of Elections shall also within sixty (60) days, and at least ten (10) days prior to any election within the

county for which they are appointed, appoint and announce by publication in a newspaper of the county, if there be one, the appointment of two (2) Clerks of elections for each and every voting place in their county; *provided, further*, that if competent persons of different political parties are willing to serve, they shall be appointed from the two (2) political parties most numerous represented at such precinct or voting place; and, *provided, further*, that one of said Clerks shall be appointed by the members of the Commissioners of Elections representing the majority party, and the other Clerk shall be appointed by the member of the Commissioners of Elections representing the minority party in the State; and, *provided, further*, that the provisions of this Act, that the minority member of said Commissioners of Elections without the consent of his associates shall have the right to appoint the minority Judge and Clerk for each precinct or voting place in the county for which the minority member is appointed, shall not apply to any counties in the State having a population of not less than 24,950 and of not more than 27,075, and of not less than 29,500 and of not more than 30,595 by the Federal census of 1900 or by any subsequent Federal census; but in such case the Board shall act jointly; and, *provided, further*, that in counties of the population aforesaid the watchers provided for in this Act shall be appointed by the Judges of election or a majority thereof.

“By minority party is meant the party polling in the State of Tennessee the second highest number of votes for presidential electors at any presidential election immediately preceding the appointment of officers under this Act.”

SEC. 3. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved

*Governor.*

Passed by the Senate, notwithstanding the objections or veto of the Governor, February 19, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

EDW. W. THOMAS,  
*Chief Clerk of the Senate.*

Passed by the House, notwithstanding the objections or veto of the Governor, February 19, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

EDW. B. MARTIN,  
*Chief Clerk of the House.*

## CHAPTER 105.

### SENATE BILL No. 215.

(By Mr. Senter.)

AN ACT to be entitled An Act to authorize and empower the town of Medina, Gibson County, Tenn., to issue and sell interest-bearing coupon bonds not to exceed the sum of \$6,000 for the purpose of building or providing a public-school building in said town; and to provide for an election in said town for the purpose of ascertaining the will of the voters of said town as to the issuance of said bonds for said purpose; and to authorize and empower the Board of Mayor and Aldermen of said town to pass such ordinances, orders, and resolutions as may be necessary and proper to carry into effect this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Medina, in Gibson County, Tenn., be, and is hereby, authorized and empowered to issue and sell interest-bearing coupon bonds not to exceed the sum of six thousand dollars (\$6,000) for the purpose of building or providing a public-school building in said town, said bonds to be in the denomination and to run for such a length of time and to bear such a rate of interest not, however, to exceed six per cent per annum, and to be redeemable at the option of said city as the Board of Mayor and Aldermen may by ordinance determine; *provided*, that no bonds can be issued or sold under the authority of this Act until after an election shall have first been held in said town to ascertain the will and wishes of the voters of said town as to the issuance of bonds under the authority of this Act, and after said election shall have been first held by and in accordance with the provisions as hereinafter set out and prescribed in this Act.

SEC. 2. *Be it further enacted*, That the Board of Mayor and Aldermen of said town, as early after the passage of this Act as convenient, shall petition the Election Commissioners of Gibson County, Tenn., to order an election to be held in said town of Medina under the provisions of the election laws in Tennessee and applicable to said town for the purpose of ascertaining the will and wishes of the voters of said town voting in said election as to

Election to be held—when.

whether or not any bond for the purposes as hereinbefore set out shall or shall not be issued and sold by said town; that in said election all legally qualified voters of the town of Medina shall have the right to vote in said election. The ballots for said election shall be prepared and printed by the Board of Election Commissioners of Gibson County, Tenn., said election to be held by and under the election laws of the State of Tennessee applicable to elections in said town of Medina, the election Officer, Judges, and Clerks to be appointed as now provided by law; *provided*, that said election shall be advertised by printed posters conspicuously posted in public places in said town for at least twenty (20) days prior to the date of holding said election, said notice to state the purpose of said election, the ballots used in said election to contain the words "For Bonds" and the words "Against Bonds," and all persons desiring to vote in said election for the issuance of bonds shall vote the ballot containing the words "For Bonds," and all persons voting in said election desiring to vote against the issuance of said bonds shall vote the ballot containing the words "Against Bonds." The result of said election shall be certified by the Election Commissioners of Gibson County, Tenn., to the Board of Mayor and Aldermen of said town of Medina within ten days after said election has been held; and if it appear from the returns of said election, properly certified as hereinbefore provided, that a majority of the votes cast in said election were "For Bonds," then, in that event, it shall be the duty of the Board of Mayor and Aldermen, through the Mayor and Secretary of said Board, to proceed to issue the bonds and to advertise for bids on said bonds.

Amount of  
bonds.

SEC. 3. *Be it further enacted*, That the Board of Mayor and Aldermen of the said town of Medina shall provide by ordinance, before any election on the question of the issuance of bonds provided for by this Act is held, the amount of bonds to be issued not, however, to exceed the sum of six thousand dollars (\$6,000); the rate of interest which the same shall bear, not, however, to exceed six per cent per annum; the denomination of said bonds; the time to run, not, however, to exceed thirty (30) years; whether redeemable; *provided*, that no bonds issued unde

the authority of this Act shall be sold for less than par or face value.

SEC. 4. *Be it further enacted*, That in the event it should appear from said election returns that a majority of the votes cast in said election were for the issuance of the bonds provided for by this Act, it shall be the duty of the Mayor and Aldermen of said town to provide by ordinance for a sale of said bonds. All bonds issued under provisions of this Act shall be signed by the Mayor and by the Secretary of the Board of Aldermen of said town, or a fac simile of their signature engraved and printed on said bonds and the interest coupons attached thereto, the interest to be evidenced by interest coupons attached to the bond, the interest to be payable semiannually, the interest and bond to be paid in good and lawful money of the United States of America and at such times and places as may be provided in said bonds, the same to be determined by ordinance of the Board of Mayor and Aldermen of said town.

SEC. 5. *Be it further enacted*, That the proceeds of the sale of the bonds issued under the provisions of this Act shall be paid into the hands of the Treasurer of said town, he to execute a special bond, with good and sufficient security, for the safe-keeping, proper handling, and proper disbursement of said fund, the amount of said bond for said Treasurer and the security thereon to be determined by the Board of Mayor and Aldermen. The funds arising from the sale of any bond issued and sold under the authority of this Act shall be and constitute a separate fund, to be used by the Board of Mayor and Aldermen for the purpose alone of erecting or providing and furnishing the school building for said town as hereinbefore provided.

SEC. 6. *Be it further enacted*, That the Board of Mayor and Aldermen of the town of Medina authorize and empower to pass all orders, resolutions, and ordinances necessary and essential to the issuance and sale of the bonds provided for in this Act.

SEC. 7. *Be it further enacted*, That this Act take

effect on and after its passage, the public welfare requiring it.

Passed February 16, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 106.

### SENATE BILL No. 214.

(By Mr. Senter.)

AN ACT entitled An Act to amend an Act entitled "An Act to incorporate the town of Medina, in Gibson County, Tenn.; to define its boundaries, to provide for its government, and to make it a separate school district; to define its powers, and to provide for an election in such town to elect the officers provided for in said Act," so as to strike out of said Act all that part of Section 23 of said Act after the first five lines of said Section 23 of said Act, the same being Chapter 238 of the Acts of the General Assembly of the State of Tennessee of 1907.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act entitled "An Act to incorporate the town of Medina, in Gibson County, Tenn.; to define its boundaries, to provide for its government, and to make it a separate school district; to define its powers, and to provide for an election in said town to elect the officers provided for in said Act," the same being Chapter 238 of the Acts of the General Assembly of the State of Tennessee of 1907, be, and the same is, so amended as to strike out of said Act all of that part of Section 23 of said Act after the first five lines of said Section 23 of said Act.

SEC. 2. *Be it further enacted*, That this Act take effect on and after passage, the public welfare requiring it.

Passed February 15, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 107.

### SENATE BILL No. 117.

(By Mr. Cummins.)

AN ACT to lay off, establish, and incorporate the "Mission Ridge Taxing District," in Hamilton County, Tenn., with power to construct and maintain waterworks, to levy and collect taxes for waterworks purposes, to issue bonds for waterworks purposes and for other purposes.

District boundaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the territory and the inhabitants thereof within the following described boundaries in Hamilton County, Tenn.—to wit, beginning on the west line of the Crest Road or Government Boulevard on the south line of the land of J. Walter Peak, or the land on which J. Walter Peak now resides, located on said boulevard, in the Sixth Civil District of said county, running thence westward along said south line of the land of said J. Walter Peak and an extension of the same for a distance of six hundred (600) feet; thence southward, parallel to said Government Boulevard and a uniform distance of six hundred (600) feet from it to a point on the south line, or an extension westward of the south line of the land of G. P. Close, located on said boulevard, in the Fifth Civil District of said county; thence along the south line of the land of G. P. Close, or an extension of said south line, eastward six hundred (600) feet to the west line of said Government Boulevard; thence eastward across said Government Boulevard to a point on the south line of the land of said G. P. Close on the east line of said Boulevard; thence on eastward along the south line of the land of said G. P. Close and an extension of his south line a distance of fifteen hundred (1,500) feet; thence northward, parallel to said Government Boulevard and a uniform distance of 1,500 feet from it to the south line of the land of said J. Walter Peak, or an extension eastward of said south line of J. Walter Peak; thence westward along the south line of said J. Walter Peak, or an extension of his

south line fifteen hundred (1,500) feet to the east line of said Government Boulevard; thence across said Government Boulevard to the point of beginning on the south line of the land of said J. Walter Peak, on the west line of said Government Boulevard, being all the territory from the south line of J. Walter Peak to the south line of G. P. Close, including said Government Boulevard and six hundred feet west of same and fifteen hundred feet east of same—be, and the same are hereby, created and incorporated as the "Mission Ridge Taxing District," for the purpose of constructing and maintaining a system of waterworks.

SEC. 2. *Be it further enacted*, That the officers of said taxing district shall consist of three Commissioners and a Treasurer. Said Commissioners and their successors in office shall constitute, and the same are hereby declared to be, a Board of Commissioners of said Mission Ridge Taxing District, and by that name shall sue and be sued, plead and be impleaded, and have continual succession for the purposes contained in this Act. The first Board of Commissioners of the said Mission Ridge Taxing District shall be Robert P. Woodward, H. F. Holmes, and J. H. Allison, and they shall serve until April 1, 1911, and until the election and qualification of their successors. On the first Tuesday in March, 1911, a Board of Commissioners shall be elected to serve as Commissioners for said taxing district for two years from April 1, 1911, and until the election and qualification of their successors; and every two years after the first Tuesday in March, 1911, a Board of Commissioners shall be elected for said taxing district.

First Board of  
Commission-  
ers.

At all elections under this Act all bona fide male citizens twenty-one years of age and over, who shall have resided in said taxing district for sixty days next preceding the election, and all male nonresident freeholders within said taxing district twenty-one years of age and over, who shall have been such freeholders for sixty days next preceding the election, shall be qualified voters of said taxing district; *provided*, they have complied with the general laws of the State in reference to the qualification of voters.

It shall be the duty of the Board of Election Commissioners or other authority empowered to hold

Elections—  
how held.

elections in Hamilton County, Tenn., to hold all elections under this Act at some convenient place or places in said taxing district, after having given ten days' previous notice by written or printed advertisement posted in at least three public places in said taxing district and by at least two notices in some newspaper published in Chattanooga, stating the time and place or places of such election.

The three persons receiving the highest number of votes at an election for the Board of Commissioners under this Act shall be declared elected for the term, and receive certificate of election from the officer or officers hold the election.

In the event of a tie vote for any one of said Board, the Board of Commissioners then in office shall cast a vote for one of these persons so tied and elect him.

Said Board of Commissioners and any other officer of said taxing district shall, before entering upon his duties, take and subscribe an oath to honestly and faithfully discharge their duties as such officers.

Meetings to be  
held—when.

SEC. 3. *Be it further enacted*, That the Board of Commissioners of said taxing district shall hold a regular meeting as soon as convenient after this Act becomes effective for the transaction of general business; and its regular meetings for business shall be on the third Tuesday in April, July, October, and January of each year, and special meetings may be held at any time on call of a majority of the Board or of the President of the Board. Said Board shall elect one of its members President of the Board.

In the event of the resignation, death, or mental or physical disability of any one of said Board, the other two shall elect his successor to serve until after the next election.

Said Commissioners shall serve without compensation.

Treasurer—  
how elected.

SEC. 4. *Be it further enacted*, That the Treasurer of said taxing district shall be elected by said Board of Commissioners, or a majority thereof, to serve for two years, and his successor will be elected every two years. He shall collect all taxes due the corporation and receive all funds belonging to it, and shall be the only officer of the corporation receiving pay for services. His compensation shall be fixed by said Board of Commissioners not to exceed \$360 per year. He shall give proper bond, to be approved by the

Board of Commissioners, with surety for faithful discharge of his duties, the amount of the bond to be fixed by said Board at not less than the largest amount of money that may be in his hands at any one time. He shall pay out money only as authorized by said Board or a majority thereof. For the use of the office he shall yearly copy the assessments upon the tax books of the Trustee or Tax Collector of Hamilton County, Tenn., so far as the same apply to valuations for taxation of property within said taxing district, and extend thereon the amount of taxes to be collected for said taxing district from all taxpayers at the rate fixed by said Board of Commissioners for the year for which such assessments were levied.

Whenever valuations are made for taxation by the State and county on parcels of land lying partly within and partly without the limits of said taxing district, he shall show the valuation of such parts of said land as lie within said taxing district for taxation by said district, so far as he can do so, subject to the right of appeal by the taxpayers to the Board of Commissioners, and said Board shall have power to adjust the proportion of State and county valuations as to land lying partly within and partly without the limits of said taxing district in order to arrive at the valuation for taxation by said taxing district.

Valuations for  
taxes—how  
ascertained.

SEC. 5. *Be it further enacted*, That said Board of Commissioners, or a majority thereof, shall have power to make all proper rules and by-laws and pass ordinances not conflicting with the Constitution and laws of the State necessary to carry out the purposes of this Act, but for no other purposes.

Said Board is authorized to levy a tax yearly, beginning with the year 1909, on all property within said taxing district at a rate not to exceed seventy (70) cents on the hundred dollars (\$100); *provided*, the assessment of taxes on real and personal property shall be on the same valuation fixed for State and county taxation and shall be levied in the names of owners of property on January 10 of each year for which such assessment is made; *provided, further*, that at least seventy-five (75) per cent of all taxes shall be set aside as a waterworks fund, and used only for waterworks purposes. Said Board

Tax levy.

**Bonds—  
denomina-  
tion and  
amount of.**

shall be authorized to acquire by contract or condemnation as now provided by law rights of way for, and construct, establish, and maintain a system of waterworks to extend along or near the top of Mission Ridge from the north end of said taxing district to the south end thereof, with power to construct lateral branches within said taxing district. It shall have power to issue bonds of said taxing district not exceeding thirty thousand dollars (\$30,000) in amount, in denominations of \$100 and \$500, bearing interest not exceeding six per cent per annum, payable semiannually, maturing twenty years after date, the interest on said bonds to be paid out of taxes to be collected by said corporation, and a sinking fund of at least \$300 per year shall be set aside by said Board out of said taxes to meet said bonds when due, or redeem them before maturity.

Said system of waterworks shall provide for proper water mains, pumps, and standpipes, and the procuring and purchasing of water to supply the same.

Consumers of water from said waterworks shall not be charged exceeding the following monthly rates: For three thousand gallons or less, \$2; and not over fifty cents for every one thousand gallons in excess of 3,000 gallons.

**Bonds—sale of.**

**SEC. 6.** *Be it further enacted,* That the Board of Commissioners of said taxing district shall be authorized to sell the bonds hereinbefore provided for at not less than par, after properly advertising the sale of the same in some newspaper published in Chattanooga, Tenn., once a week for four weeks; and it shall have power to contract with any person or corporation for the construction of the waterworks herein provided for or the furnishing of the water therefor, and use any part of said bonds at not less than par in paying for the construction of said waterworks or water supply therefor or maintenance thereof.

**SEC. 7.** *Be it further enacted,* That a majority of said Board of Commissioners of said taxing district shall be necessary to make any order or pass any measure.

**SEC. 8.** *Be it further enacted,* That nothing in this Act shall be construed to give said taxing district or Board of Commissioners thereof power over schools or roads or affect or abridge the police power

or other powers or duties of the county or State with respect to persons or property within said taxing district.

SEC. 9. *Be it further enacted*, That said Board of Commissioners shall have the right to dispose of said waterworks after the same have been established by lease or sale; *provided*, provisions are made for meeting all bonds which may be issued under this Act, with the interest thereon, and that patrons of said waterworks shall not be charged by the lessee or purchaser for the consumption of water more than the rates hereinbefore stated.

Right to sell or  
lease water-  
works.

SEC. 10. *Be it further enacted*, That the Board of Commissioners of said taxing district shall have all the rights and powers to collect taxes levied by it under this Act as are possessed by other towns in this State, by distress warrant and enforcement of levies, tax sales, etc., and taxes levied under this Act on real estate shall be a lien thereon until paid.

SEC. 11. *Be it further enacted*, That this Act shall not become operative until an election is held by the election authorities of Hamilton County, Tenn.; and said authorities, after giving notice as above provided for elections under this Act, shall hold said election at some public place or places in said taxing district. Voters in favor of incorporating shall vote "For Incorporation," and those opposed to incorporating shall vote "Against Incorporation."

Persons allowed to vote at such election shall be those qualified to vote at elections under this Act as hereinbefore provided. If a majority of the votes cast at such election under this section shall be "For Incorporation," this Act shall become fully effective. Otherwise this Act shall cease to be operative.

SEC. 12. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed February 17, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 108.

### SENATE BILL No. 63.

(By Messrs. McKay and Kelly.)

AN ACT to be entitled An Act to amend an Act entitled "An Act to establish taxing districts in this State, and to provide the means of local government for the same, the same being Chapter 11 of the Acts of 1879, and all the Acts amendatory thereof, constituting the charter of the city of Memphis, so as to provide for a right of recall, so that all elective officials of the city of Memphis may be subject to removal from office by a vote of the people."

Officer—how  
removed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 11 of the Acts of 1879 and all Acts amendatory thereof be, and the same are hereby, amended so as to provide as follows:

"The holder of any elective office may be removed at any time by the registered voters qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition, signed by voters entitled to vote for a successor to the incumbent sought to be removed equal in number to at least twenty-five per cent of the entire vote for all candidates for the office of Mayor, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the City Clerk, which pe-



tion shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the City Clerk shall examine, and from the voters registered ascertain whether or not said petition is signed by the requisite number of qualified voters; and if necessary, the Board of Commissioners shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If by the certificate of the City Clerk the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The City Clerk shall within ten days after such amendment make like examination of the amended petition; and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the City Clerk shall submit the same to the Board of Commissioners without delay. If the petition shall be found to be sufficient, the Board of Commissioners shall order and fix a date for holding the said election not less than thirty days or more than forty days from the date of the certificate of the City Clerk to the Board of Commissioners that a sufficient petition is filed.

“The Board of Commissioners shall make or cause to be made publication of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise, in writing, his name shall be placed on the official ballot without nomination.

Publication of  
election to be  
made.

“In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor.

To qualify.

“In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office. The same method of removal shall be cumulative and additional to the methods heretofore provided by law.

“*Provided, however,* that the provision of this Act shall not apply to any official until after such official has qualified and held office for a period of three months; and, *further provided,* that if the provisions of this Act are invoked against any official, and the majority of the voters in the removal election vote to retain said official in office, such official shall not again be subject to removal under the provisions of this Act until after the expiration of six months from the date of the aforesaid removal election.”

SEC. 2. *Be it further enacted,* That all provisions of the present charter of the city of Memphis and all Acts amendatory thereof not in conflict with the provisions of this Act are continued in full force and effect.

SEC. 3. *Be it further enacted,* That this Act take effect from and after January 1, 1910.

Passed February 16, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 109.

### SENATE BILL No. 282.

(By Mr. Kelly et al.)

A BILL to be entitled An Act to amend an Act entitled "An Act to empower municipalities having a population exceeding 100,000 inhabitants by the Federal census of 1900 or any subsequent Federal census to open, extend, widen, grade, pave, macadamize, or otherwise improve streets, alleys, and highways; to levy and collect special taxes and local contributions on real estate abutting the same; to authorize the issuance of certificates of indebtedness to pay for the same; to provide for the redemption of such certificates, and to authorize the creation of improvement districts," being Chapter 341 of the Acts of 1907, approved April 11, 1907, so as to authorize the designation of the securities therein provided for as bonds instead of certificates of indebtedness; to authorize the levy of taxes to pay the certificates of indebtedness and interest and the bonds and interest; to give the legislative department the power, of its own motion, and without petition of property owners, to designate what streets, alleys, and highways or part or parts thereof shall be opened, extended, widened, graded, paved, macadamized, curbed, guttered, or otherwise improved; and generally to amend, enlarge, simplify, and make more effective the provisions of said Act in other respects.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of the Act entitled "An Act to empower municipalities having a population exceeding 100,000 inhabitants by the Federal census of 1900 or any subsequent Federal census to open, extend, widen, grade, pave, macadamize, or otherwise improve streets, alleys, and highways; to levy and collect special taxes and local contributions on real estate abutting the same; to authorize the issuance of certificates of indebtedness to pay for the same; to provide for the redemption of such certificates; and to authorize the creation of improvement districts," being Chapter 341 of the Acts of the General Assembly of Tennessee of 1907, approved April 11, 1907, be, and the same is hereby, amended to read as follows:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all municipalities of this State having a population of not less than 100,000 inhabitants according to the Federal census

Streets, highways, etc.—  
how improved.

of 1900 or any subsequent Federal census it shall be lawful for the legislative bodies of such municipalities, of their own motion and without petition of property owners, to provide by ordinance for the improvement of any street, highway, or alley, or part or parts thereof, in such municipality by opening, extending, widening, grading, paving, macadamizing, curbing, guttering, or otherwise improving in such manner and with such materials and with such culverts as such legislative bodies may determine; and to provide for making special levies or assessments upon the land abutting on such street, highway, or alley, or part or parts thereof to be improved, in the manner hereinafter set forth, to pay two-thirds of the cost of such improvement.

SEC. 2. *Be it further enacted*, That Sections 2 and 3 of said Chapter 341 of the laws of 1907 be, and the same are hereby, repealed.

SEC. 3. *Be it further enacted*, That Section 4 of said Chapter 341 of the laws of 1907 be, and the same is hereby, amended to read as follows:

To adopt  
ordinance.

“SEC. 4. *Be it further enacted*, That before any work shall be done on any public improvement authorized by the preceding section, two-thirds of the cost of which is to be assessed against the property abutting on the street, highway, or alley, or part or parts thereof to be improved, it shall be the duty of the legislative body of the municipality to adopt an ordinance that such improvement or improvements shall be made, which ordinance shall state the general character of the improvement or improvements and name the location and terminal points thereof, and the streets, alleys, or highways, or part or parts thereof on which such improvement or improvements are to be made. Notice of the adoption of such ordinance shall be given by publishing such notice three times in some daily newspaper of general circulation in such municipality. It shall not be necessary to set out in full in such notice said ordinance, and it shall not be necessary to publish such ordinance at all; but such notice shall state the approximate cost of such improvement or improvements, and also the time and place, not earlier than ten days from the last date of such publication, at which the legislative body of such municipality shall meet, to hear remonstrances or protests against the

making of such improvement or improvements. At the time and place thus appointed the legislative body shall meet; and if the legislative body consists of two branches, shall meet in joint session; and at said meeting, or at a time and place to which the same may be from time to time adjourned, all persons whose property will be affected by such improvement or improvements may appear in person or by attorney or by petition and protest against the making of such improvement or improvements; and after hearing such protests, if any, said legislative body may confirm, modify, or rescind such ordinance, in whole or in part."

SEC. 4. *Be it further enacted*, That Section 5 of said Chapter 341 of the laws of 1907 be, and the same is hereby, amended so as to read as follows:

"SEC. 5. *Be it further enacted*, That if any such improvement is finally ordered, the legislative body of the municipality shall have power and authority, after completion and acceptance thereof by the legislative body, to assess two-thirds of the cost of making any such improvement upon and against the several lots or parcels of land abutting the street, highway, or alley, or part or parts thereof improved according to their respective frontages; *provided, however*, that said assessment upon any lot shall not exceed one-third of the assessed value thereof for city taxes for the current year; and all such assessments shall be and constitute a lien on the respective lots or parcels of land upon which they are levied superior to all other liens, except those of the State and county for taxes."

SEC. 5. *Be it further enacted*, That instead of issuing certificates of indebtedness, as provided in Section 9 of said Chapter 341 of the laws of 1907, the legislative bodies of such municipalities shall have power, at their option, to issue negotiable bonds of the municipality to an amount in par value not exceeding two-thirds of the estimated cost of any such improvement or improvements, which cost shall for this purpose be estimated by the legislative body in the ordinance authorizing the issue of said bonds. Such bonds shall be payable to bearer in lawful money of the United States, either at the office of the Treasurer of the municipality or at such other place in the United States as may be designated in

Abutting  
assessment.

To issue  
bonds—  
when.

the bond, and be in such form and signed by such officers as may be provided in the ordinance directing their issue. Coupons may bear a facsimile signature or signatures. In case any of such officers whose signatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the bonds. The bonds shall run for one, two, three, four, and five years, and bear interest at a rate not exceeding six per centum per annum, as may be designated in the bonds, payable semiannually, and such bonds shall be of such denomination as the legislative body may direct. The municipality may, in its discretion, in such ordinances provide that any bonds shall be payable at the option of the municipality at any interest-paying period; and in the event of bonds being thus made payable at the option of the municipality before maturity, and in the event that the municipality shall elect to pay any such bond in full at any interest period before its maturity, it shall pay as a bonus to the holder thereof a sum equal to one-half of the annual interest thereon for one year; *provided, however*, that the legislative body shall give public notice before any such interest period by publication three times once a week for three consecutive weeks in a daily newspaper published in such municipality, the first publication to be not less than thirty days prior to the interest period at which it is proposed to redeem the bonds, such notice stating the intention to redeem the bonds and describing them by number and series. The municipality shall have no right or option to pay any bonds prior to maturity unless such right or option is expressly reserved in the bonds. Said bonds shall be sold at public or private sale at not less than par and accrued interest. Such bonds shall be the absolute and general obligation of the municipality. The legislative body of the municipality shall provide by ordinance that the assessments levied upon the property abutting on the streets, alleys, or highways, or part or parts thereof, in respect of which any such bonds are issued shall be set apart as a fund for the payment of such bonds and interest. It shall be the duty of the leg-

To publish  
notice.

islative body of the municipality to levy an ad va-<sup>Special tax.</sup>lorem tax upon all the taxable property in the municipality to pay the principal and interest of said bonds as it becomes due, or to pay such part or parts thereof as are not provided for by the assessments levied and actually collected and in the treasury of the municipality set apart for the payment of such bonds and interest. Such tax shall be in addition to all other taxes which such municipality is by law authorized to levy. Any ordinance authorizing the issuance of any such bonds may be passed by both branches of the legislative body, if there be two branches, in joint session, upon two readings, one reading being on each of two separate days, the ordinance to be approved by the Mayor or passed over the veto of the Mayor by a vote of not less than two-thirds of the total number of members-elect of the joint session, and neither such ordinance nor the bill for the same need be published at any time before passage; and after passage, the ordinance need be published only once in some daily newspaper published in the municipality. Such ordinance may, in the discretion of the legislative body, provide for the issuance of bonds in one lot or amount in respect of any one or more of such improvements on one or more streets, alleys, or highways, or part or parts thereof, and may, in the discretion of the legislative body, provide that any assessments levied in respect of any such improvement or improvements on one or more streets, alleys, or highways, or part or parts thereof may be applied as a whole toward payment of such entire lot or amount of bonds or interest thereon; and it shall not be necessary that each assessment for each separate improvement shall be kept separate and applied to the bonds issued in respect of that particular improvement. After the passage of any ordinance authorizing the issue of bonds, any proceedings authorizing the advertisement or sale or award of the bonds may be taken by order made at a joint session of the two branches of the legislative body, if there be two branches, and need not be by ordinance.

No proceeding on the part of any such municipality in respect of the issuance of any such bonds shall be necessary except such proceedings as are required by this Act. Any such bonds may, in the discretion

of the legislative body of the municipality, be issued in substantially the following form, or in such other form as the legislative body of the municipality may from time to time prescribe:

Form of bonds.

UNITED STATES OF AMERICA,  
STATE OF TENNESSEE,  
CITY OF . . . .  
STREET IMPROVEMENT BOND.

No. . . . . Series . . . . . \$ . . . . .

The city of . . . ., a municipal corporation organized and existing under the laws of the State of Tennessee, for value received hereby acknowledges itself indebted and promises to pay to the bearer the sum of \$. . . . in lawful money of the United States on the first day of . . . ., 19. . ., with interest thereon, at the rate of . . . . per centum per annum, payable semiannually, on the first days of . . . . and . . . . in each year until this bond is paid, upon presentation and surrender of the annexed coupons as they severally fall due, both principal and interest being payable at the office of the City . . . ., in . . . ., Tenn., or at the office of . . . ., in . . . ., at the option of the holder.

This bond is issued under and in pursuance of and in strict conformity with an Act of the General Assembly of the State of Tennessee, approved April 11, 1907, being Chapter 341 of the Acts of the year 1907, and other statutes, and the Constitution of said State and the charter of said city, in such cases made and provided and under and pursuant to ordinances and proceedings of said city, duly adopted and had, to provide means to pay not exceeding two-thirds of the estimated cost of certain street improvements.

It is hereby certified, recited, and declared that all acts, conditions, and things required to be done exist and be performed precedent to and in the issuance of this bond in order to make this bond a legal, valid, and binding obligation of the city of . . . . have been done, existed, and been performed in regular and due time, form, and manner, as required by law, and that the indebtedness represented by this bond, together with all other indebtedness of said city, does not exceed any limit prescribed by the Constitution or statutes of said State or the charter of said city. The full faith and credit of the



city of . . . . are hereby pledged for the prompt payment of the principal and interest of this bond as the same become due. In witness whereof the Mayor of said city of . . . . and the City . . . . of said city have signed this bond and attached the seal of said city, and caused the interest coupons hereto attached to be signed with the fac-simile signatures of said Mayor and said City . . . ., and this bond to be dated . . . . 1, 19...

....., Mayor, .....  
 ..... City .....

If the municipality reserves the right or option to pay off said bonds before maturity, such right or option shall be expressly reserved in the bonds, and the language of such reservation inserted in such case in the bond may be substantially as follows, or in any other appropriate language:

The city of . . . . hereby reserves the right and option to pay off this bond at any interest-paying period before maturity; and in the event the city of . . . . shall elect to pay off this bond in full at any interest period before maturity, it shall and will pay as a bonus to the holder thereof a sum equal to one-half of the annual interest thereon for one year; *provided, however*, that the legislative body of said municipality shall give public notice before such interest period by publication three times once a week for three consecutive weeks in a daily newspaper published in the city of . . . ., the first publication to be not less than thirty days prior to the interest period of this bond, stating its intention to redeem the same and describing the same by number and series.

#### FORM OF COUPON.

No. . . . \$.....

On the first day of . . . ., 19.., the city of . . . ., Tenn., will pay to the bearer, at the office of the City . . . ., in . . . ., Tenn., or at the office of . . . ., in . . . ., at the option of the holder, . . . . dollars, being six months' interest then due on street improvement bond of said city, dated . . . . 1, 19.., Series .., No. ...

....., Mayor, .....  
 ..... City .....

SEC. 6. *Be it further enacted*, That in case the legislative body of any municipality falling within the provisions of said Chapter 341 of the laws of 1907 has two branches, then any ordinance to be passed under said Chapter 341, or under said Chapter 341 as amended by this Act, may be passed by the two branches in joint session upon two readings, one reading being on each of two separate days, the ordinance to be approved by the Mayor or passed over the veto of the Mayor by a vote of not less than two-thirds of the total number of members-elect of the joint session, and neither such ordinance nor the bill for the same need be published at any time before passage, and after passage the ordinance need be published only once in some daily newspaper published in the municipality; *provided*, that the ordinance required in Section 4 of this Act to be passed need not itself be published, but only notice thereof as provided in said Section 4. Any ordinance or orders made at or after any hearings given by any such joint session with respect to the matters mentioned or provided for in said Chapter 341 of the laws of 1907, or in said Chapter 341 as amended by this Act, shall be valid without any separate action by each chamber. Votes in any joint session provided for in this Act shall be taken by the members of both branches voting together as one body, in which each member of either branch is entitled to one vote. A majority of the total membership-elect of both branches shall be a quorum of the one joint body.

Misdescription  
not to release  
lien.

SEC. 7. *Be it further enacted*, That in case a lot or parcel of land against which any assessment has been or shall be made or attempted to be made as provided for in Section 6 or other parts of said Chapter 341 of the laws of 1907, or said Chapter 341 as amended by this Act, is not fully described in any assessment book, ordinance, or notice, or in any other place or proceeding, then, in order to fix the identity of the lot or parcel, reference may be had to any plot, petition, or other document or paper on file in the proceedings for the making of the improvement or for the assessment of the land, or evidence aliunde may be heard, and vagueness of description or misdescription or want of description shall not defeat the lien on any lot or parcel of land for its

proportion of the assessment for any such improvement on the street, alley, or highway, or part or parts thereof abutting on such lot or parcel of land.

SEC. 8. *Be it further enacted*, That in case, in the opinion of the legislative body, it becomes necessary or proper in the making of any such improvement on any street, highway, or alley, or part or parts thereof for the municipality, either itself to relay, or through a water company to cause to be relaid, any water pipes or to lay new water pipes, or it becomes necessary or proper for the municipality to relay sewer drains or build new sewers, or for water or sewer connections to be repaired or replaced, or otherwise reconstructed or improved, or it becomes necessary or proper to provide for drainage or oiling of the street improvement, or it becomes necessary or proper to make other improvements, then the cost of any and all such improvements or any part thereof may, in the discretion of the legislative body, be included in the cost of the improvement, two-thirds of which cost may be assessed against the abutting property, as provided in said Chapter 341, or in said Chapter 341 as amended by this Act.

Water pipes,  
sewers, etc.—  
how  
repaired.

SEC. 9. *Be it further enacted*, That in the event of the issuance of bonds as in this Act provided, or in the event of the issuance of certificates of indebtedness as provided in said Chapter 341 of the Acts of 1907, or as provided in said Chapter 341 as amended by this Act, or in the event of the issuance of some bonds and of some certificates of indebtedness, the power and authority to levy assessments as provided in said Chapter 341 of the Acts of 1907, or as provided in this Act, as the case may be, shall continue to exist, and the proceeds arising from the collection of assessments shall be, and are hereby, pledged for the payment of such bonds and interest or such certificates and interest, as the case may be, and shall be applied to that purpose. It shall be the duty of the legislative body of the municipality to ascertain in due season, in advance of the time for the payment of the principal or interest, or both of any and all such certificates of indebtedness already issued or hereinafter issued, and in advance of the time for the payment of the principal or interest, or both, of any such bonds, whether or

To levy ad valorem tax—  
when.

not there is or will be sufficient moneys provided by the assessments levied and actually collected and in the treasury of the municipality set apart for the payment of the principal and interest of such certificates of indebtedness and bonds as the same, respectively, from time to time become due; and it shall be the duty of the legislative body of the municipality in due season, in advance, to levy an ad valorem tax upon all the taxable property in the municipality sufficient to pay the principal and interest of such certificates and such bonds as they respectively become due from time to time, or to pay such part or parts thereof as are not or will not be fully provided for by the assessments levied and actually collected and in the treasury of the municipality in season for the payment of the principal and interest of such certificates of indebtedness and bonds as the same, respectively, from time to time become due. In case the municipality shall levy and collect ad valorem taxes for the purpose of paying the principal and interest of any certificates of indebtedness or bonds, or any part thereof, the municipality shall, nevertheless, have the power and authority to proceed with the levy and collection of assessments, and such assessments or part thereof sufficient for the purpose shall be paid into the treasury of the municipality to reimburse the treasury for the amount thus paid out of such ad valorem taxes, and such money thus reimbursed to the treasury shall be used under the direction of the legislative body of the municipality for any lawful corporate purpose for which ad valorem taxes may legally be levied and collected.

SEC. 10. *Be it further enacted*, That any failure on the part of any municipality to comply with any of the provisions of said Chapter 341 of the laws of 1907, or said Chapter 341 as amended by this Act, and any failure in the existence or performance of any of the conditions precedent to the issuance of any certificates of indebtedness or bonds under said Chapter 341, or under said Chapter 341 as amended by this Act, shall not affect the validity of such certificates of indebtedness or bonds or of the assessments made under said Chapter 341, but the same shall be in all respects valid and binding.

Any certificates of indebtedness heretofore issued

or hereafter issued under said Chapter 341, or said Chapter 341 as amended by this Act, shall be, and are hereby, declared to be the absolute obligations of the municipality by which issued. In the event that for any reason the amount of the assessments levied and actually collected and set apart in the treasury of the municipality for the payment of principal and interest of any such certificates of indebtedness shall not be sufficient to make such payment, the legislative body of the municipality shall be, and is hereby, authorized and directed to levy and collect, in addition to all other taxes authorized by law, an ad valorem tax upon all the taxable property in such municipality sufficient to provide for the payment of the principal and interest of such certificates as the same become due.

SEC. 11. *Be it further enacted*, That any proceedings already commenced under said Chapter 341 of the laws of 1907 may be carried to a conclusion under said chapter as originally enacted, notwithstanding the amendment to said Chapter 341 by this Act, and notwithstanding the repeal of certain sections of said Chapter 341 by this Act, the same in all respects as if said Chapter 341 should stand without any amendment or repeal or any proceedings already begun under said Chapter 341 may be carried to a conclusion partly under said Chapter 341 as originally enacted and partly under Chapter 341 as amended by this Act, and as partly repealed by this Act, and in such event either certificates of indebtedness or bonds may be issued, as the legislative body of the municipality may, in its discretion, determine; or in case any proceedings have been begun under said Chapter 341, such proceedings may be carried on wholly under the provisions of said Chapter 341 as amended by this Act and as partly repealed by this Act, and in such event either bonds or certificates of indebtedness may be issued in accordance with the provisions of this Act.

SEC. 12. *Be it further enacted*, That Section 19 of said Chapter 341 of the laws of 1907 be, and the same is hereby, amended to read as follows:

"SEC. 19. *Be it further enacted*, That in the event a petition be presented to the legislative body of the municipality averring the willingness of each of the signers to pay his or her pro-rata share of the entire

cost of any improvement such as is authorized by this Act and relieve the municipality from the payment of any part thereof as to any street, highway, or alley, or part or parts thereof, which petition is signed by the owners of at least seventy-five per centum of the frontage of the lots or parcels of land abutting on such street, highway, or alley, or part or parts thereof proposed to be thus improved, such petition may be granted by the legislative body, and thereupon proceedings may be had under this Act the same in all respects as if the improvement had been begun by the legislative body on its own initiative, and bonds or certificates of indebtedness may be issued and assessments may be made, except that the assessments shall, in such event, be made for the entire cost of the improvement, and bonds or certificates of indebtedness may be issued for the entire cost instead of assessments being made and bonds or certificates of indebtedness being issued for only two-thirds of the cost thereof; *provided*, that no assessment under this section shall in any event exceed on any lot one-third of the assessed value of such lot for municipal taxes for the current year, and all other provisions of said Chapter 341 as amended by this Act shall be applicable in respect of any improvement made under this section, except as in this section otherwise expressly provided. This section is hereby declared to be separate from the remainder of the Act, and the validity or invalidity of this section shall not affect the remainder of the Act."

SEC. 13. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 15, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 110.

### SENATE BILL No. 272.

(By Mr. Sells.)

AN ACT to authorize the Board of Mayor and Aldermen of the city of Johnson City to issue interest-bearing bonds to fund its bonded and floating indebtedness, and to provide a sinking fund for the payment of such bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the municipality. the city of Johnson City, Washington County, Tenn., through its Board of Mayor and Aldermen, is hereby authorized to issue the negotiable bonds of said city, in its corporate name, signed by the Mayor and countersigned by the Recorder, with interest coupons attached, to an amount not exceeding sixty thousand dollars (\$60,000), which shall be used, or the proceeds of which shall be used, for no other purpose than to pay off the floating indebtedness and the bonded indebtedness of said city, heretofore contracted in the name of the "Town of Johnson City," meaning such floating and bonded indebtedness as is now due and payable or to become due and payable within two years from the passage of this Act.

SEC. 2. *Be it further enacted*, That the bonds herein authorized may be executed of any denomination from \$100 to \$1,000, and shall mature at any time from ten to twenty years, as may be fixed by ordinance of the Board of Mayor and Aldermen of said city, and shall bear interest at six per cent, or at any less rate which may be fixed by said Board of Mayor and Aldermen by ordinance and at which they can be negotiated at par value. Said bonds shall be paid in lawful money of the United States.

Bonds—denomination of.

SEC. 3. *Be it further enacted*, That the Board of Mayor and Aldermen of the said city of Johnson City shall levy and collect an annual tax, in the aggregate not less than one-twentieth of the amount of bonds issued hereunder, which shall be set apart from all other funds and be used for no other purpose than paying off the bonded indebtedness cre-

Special tax.

ated under this Act; *provided*, said sinking fund may be paid out at any time in liquidation of any bond or bonds issued under this Act, whether the same be due or not; but no such bond or bonds shall be paid for or purchased by said city at more than par value.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 15, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 111.

### SENATE BILL No. 289.

(By Mr. McKinney.)

AN ACT to be entitled An Act to authorize the city of McKenzie, a municipality organized under the Acts of the General Assembly, passed April 20, 1899, and approved April 22, 1899, being Chapter 388 of the Acts of 1899 and subsequent amendments thereto, to issue bonds for grading and graveling streets and general street purposes, city hall purposes, public library purposes, and electric-light system, and for sidewalk purposes; and to provide for the issuance of said bonds, to be signed by the Mayor and countersigned by the Recorder of the city of McKenzie; and to provide that said bonds shall mature and be redeemable at such time within twenty years as may be prescribed by corporate ordinances authorizing the issuance of said bonds; and to provide that said bonds shall not be sold for less than their face value; and to provide that said bonds shall bear interest at the rate of five per cent per annum, payable annually; and to provide for the denomination of said bonds; and to provide for the opening and holding of an election by the qualified voters of the city of McKenzie as to whether said bonds shall be issued; and to provide for subsequent elections upon a failure of a majority of the qualified voters of said city of McKenzie voting in said election, authorized by this Act, to vote for the issuance of said bonds, or any of said bonds provided for in this Act; and to provide what shall be upon the ballots at said election or elections authorized by this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the city of McKenzie, a municipality organized under the Acts of the General Assembly, passed April 20, 1899, and approved April 22, 1899, being Chapter 388 of the Acts of 1899 and subsequent amendments thereto, is hereby authorized and empowered, in its corporate capacity, to issue bonds of said city of McKenzie, to be signed by the Mayor and countersigned by the Recorder, with annual interest coupons attached, which coupons shall be signed by the Recorder of said city of McKenzie, to an amount not to exceed twenty-five thousand dollars (\$25,000), as follows—to wit:

For the purpose of grading and graveling streets and general street purposes, not to exceed ten thousand dollars (\$10,000). Bonds—  
purpose of.

For the purpose of providing a waterworks system

and for general waterworks purposes, a sum not to exceed eight thousand dollars (\$8,000).

For the purpose of building a city hall and for general city hall purposes, not to exceed two thousand five hundred dollars (\$2,500).

For the purpose of establishing and maintaining a public library and general public library purposes, not to exceed five hundred dollars (\$500).

For the purpose of securing or installing an electric-light system and for general electric-light purposes, not to exceed two thousand dollars (\$2,000), if said electric-light system be established in part by private capital.

And for the purpose of building and laying sidewalks and for general sidewalk purposes, or as additional fund toward an electric-light system, if said system be built solely by the municipality, not to exceed two thousand dollars (\$2,000).

Bonds—  
denomina-  
tion of.

SEC. 2. *Be it further enacted*, That said bonds hereinabove provided for may be issued in denominations from one hundred dollars to five hundred dollars, and they shall mature and be redeemable at such time within twenty years as may be prescribed by corporate ordinances authorizing and empowering the issuance of said bonds. Said bonds shall bear a rate of interest not exceeding five per. cent per annum, payable annually, and said bonds shall not be sold for less than their face value.

City of Mc-  
Kenzie  
Bonds.

SEC. 3. *Be it further enacted*, That the issuance of said bonds shall be known as "City of McKenzie Bonds," the proceeds of which shall be used exclusively for the purposes for which said bonds as provided for in this Act shall be issued.

How issued.

SEC. 4. *Be it further enacted*, That none of said bonds authorized to be issued by this Act shall be issued without the passage of an ordinance by the Board of Mayor and Aldermen of the city of McKenzie specifying the purpose for which said bonds are to be issued, and directing an election to be held by the qualified voters of said city of McKenzie "for" and "against" the issuance of said bonds as provided by this Act, said election to be held under the general election laws controlling the holding of elections in the city of McKenzie: *provided*, that a failure of a majority of the qualified voters of said city of McKenzie voting in said election to vote for

the issuance of said bonds provided for in this Act shall not prevent the submission of another proposition to issue bonds under this Act; but if in any of said elections herein provided for a majority of the qualified voters voting in said election shall vote for the issuance of said bonds, or any of said bonds as provided for in this Act, said bonds, or such of said bonds as shall be authorized by a majority of the voters voting in said election, shall be accordingly issued as directed by this Act; and in case of failure of a majority of the voters voting in said election to vote for the issuance of said bonds, or any of said bonds as provided for in this Act, subsequent elections may be held under the same provisions and restrictions as provided in this Act, as to whether said bonds shall be issued.

SEC. 5. *Be it further enacted*, That in said election Form of ballot. or elections herein provided for the ballots used shall have upon them, respectively, "For the Issuance of Bonds" and "Against the Issuance of Bonds" as provided for by ordinance passed by the Board of Mayor and Aldermen of the city of McKenzie.

SEC. 6. *Be it further enacted*, That the Board of Mayor and Aldermen of the city of McKenzie are hereby authorized and empowered to submit to the voters of the city of McKenzie, by ordinance passed by said Board of Mayor and Aldermen, the proposition as to whether all of said bonds provided for in this Act shall be issued, or the proposition as to whether only such of said bonds shall be issued as provided for by said ordinance.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Board of Mayor and Aldermen of the city of McKenzie to pass such ordinance or ordinances so as to submit the proposition of the issuance of bonds to the qualified voters of the city of McKenzie.

SEC. 8. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed February 17, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 112.

### SENATE BILL No. 286.

(By Mr. Holladay.)

AN ACT to authorize Putnam County, upon an affirmative vote of the qualified voters of said county, to issue not exceeding \$250,000 of bonds for the purpose of building roads in said county, and to erect and construct the necessary bridges and culverts upon said roads; to provide for the voting and issuance of said bonds and the payment of the interest thereon, and the redemption of same, and the method of expenditure of said fund; and to repeal House Bill No. 1008, passed April 14, 1905, and approved April 17, 1905, being an Act authorizing Putnam County, Tenn., to issue and sell bonds to an amount not exceeding \$100,000 for the purpose of building good roads and bridges and the improvement of public roads of said county.

Bonds—  
amount of.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the County Court of the county of Putnam, as hereinafter provided, be, and is hereby authorized and empowered to, upon an affirmative vote of the majority of the qualified voters of said county, issue bonds of said county not to exceed two hundred and fifty thousand dollars (\$250,000), said bonds to be due and payable [within] thirty (30) years from date of issuance and to bear interest at the rate of four and one-half (4½) per cent per annum, payable annually on July 1 of each year, for the purpose of building roads in said*

county and constructing necessary bridges and culverts upon said roads.

SEC. 2. *Be it further enacted*, That the Commissioners of Election for the county of Putnam, Sheriff, or other person or persons authorized to hold elections in said county shall hold an election on the twenty-seventh day of March, 1909, the said election to be held by officers appointed for that purpose in each precinct in said county under the laws governing general elections in said county, and thirty (30) days' notice of said election to be properly made by the proper person or persons in some newspaper published in the said county, the said election to be held for the purpose of determining whether the qualified voters in said county are in favor of the issuance of bonds for the sum of one hundred and fifty thousand dollars (\$150,000) of the two hundred and fifty thousand dollars (\$250,000) provided for in Section 1 of this Act. Each voter who is a qualified voter on the date of said election to vote for Representative in the General Assembly of the State of Tennessee shall be qualified to vote at said election, and shall have printed or written on his ballot "For Good Roads" or "Against Good Roads;" and a ballot "For Good Roads" shall be counted as a ballot for the issuance of said bonds, and a ballot "Against Good Roads" shall be counted a ballot against the issuance of said bonds. In precincts where the "Dortch Ballot Law" applies, "For Good Roads" and "Against Good Roads" shall be printed on the ballots, and the voter shall indicate his choice by a cross mark opposite the one for which he wishes to vote. The Sheriff or Commissioners of Election, or such other person or persons as may have charge of said election, shall make return of the same to the Judge of the County Court; and at its next quarterly session after such election, or at a special term called by the County Judge for that purpose, the vote shall be counted and the result declared by said County Court; and if a majority of votes cast are "For Good Roads," the said County Court shall order an issuance of the bonds to the sum of one hundred and fifty thousand dollars (\$150,000) as provided for in this Act.

Election—  
when held.

First issue.

Form of ballot.

SEC. 3. *Be it further enacted*, That if, at the election provided for in Section 2, the majority of the

Proposition re-  
submitted—  
how.

qualified voters of said county fail to vote in favor of the issuance of said bonds, then, upon the application in writing of one hundred (100) of the qualified voters of said county representing not less than one hundred thousand dollars (\$100,000) of taxable property in said county, the County Court shall then order another election, at which the question of the issuance of said bonds shall be resubmitted to the qualified voters of said county in the same manner as provided for in Section 2 of this Act. If said bond proposition shall again fail, it may be again submitted as frequently as it fails within ten years from the date upon which this Act takes effect, upon the petition in writing of not less than one hundred (100) qualified voters representing at least one hundred thousand dollars (\$100,000) taxable property in said county; *provided*, that no two elections shall be held within the same year.

Second issue.

SEC. 4. *Be it further enacted*, That after seventy-five (75) per cent of the proceeds from the sale of first issue of bonds to the sum of one hundred and fifty thousand (\$150,000) shall have been expended, then, upon application in writing of not less than one hundred qualified voters of said county representing not less than one hundred thousand dollars (\$100,000) taxable property in said county, the County Court shall order an election under the same conditions as provided in Sections 2 and 3 of this Act, to determine if the majority of the qualified voters of said county are in favor of issuing bonds for the sum of the one hundred thousand dollars (\$100,000) remaining of the amount of the bonds authorized by Section 1 of this Act, and said proposition to be resubmitted within ten years as provided for in Section 3 of this Act.

No. 4 issued.

SEC. 5. *Be it further enacted*, That after each of either of said elections has resulted in favor of the issuance of said bonds, and so declared by the County Court, and issue ordered, then the County Judge and the County Court Clerk of said county shall cause to be issued the bonds as directed, which bonds shall have upon their face "Putnam County Road Bonds," the date on which the same were issued and the date and time the same mature. They shall be signed by the County Judge and by the County Court Clerk, and shall have the seal of the County.

Court Clerk affixed thereto. They shall be consecutively numbered, beginning at No. 1, and to each bond there shall be attached coupons, beginning at No. 1 and running to No. 30, and having on them the number of the bond to which they are attached. These coupons shall each be for the amount of the annual interest, and they shall be signed with lithograph facsimile of the signature of the County Judge and the County Court Clerk. The expense of issuance of said bonds shall be paid out of the proceeds thereof. The bonds shall be in denominations of one thousand dollars (\$1,000) each, and shall be issued in lots of fifty thousand dollars (\$50,000) each as needed for the purposes as provided for by this Act, then to be delivered to the County Trustee, who shall then turn them over upon order of the General Commission, as hereinafter provided for, to the purchaser or purchasers thereof, upon the payment to him by said purchaser or purchasers of the amount agreed upon with said General Commission.

SEC. 6. *Be it further enacted*, That the Trustee of the county of Putnam shall give bond for the safe-keeping of the funds herein provided for, and for the collection and safe-keeping of any fund that may be raised by taxation for the purpose of paying off any or all of the bonds as herein provided, and for the faithful performance of the duties of collecting any tax that may be levied for same. Said Trustee shall be allowed a commission of one-half ( $\frac{1}{2}$ ) of one per cent on all moneys disbursed by him for proceeds of bonds. Trustee to give bond.

SEC. 7. *Be it further enacted*, That the county of Putnam shall be, for the purposes of this Act, divided into three divisions, to be known as the "Eastern," "Middle," and "Western Divisions." Division of districts.

The Eastern Division to be composed of the following civil districts: Fourth, Fifth, Sixth, and Fourteenth.

The Middle Division to be composed of the following civil districts: First, Second, Third, Seventh, Eighth, Fifteenth, Sixteenth, Eighteenth, and Nineteenth.

The Western Division to be composed of the following civil districts: Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Seventeenth, and Twentieth.

The proceeds arising from the sale of said bonds shall be apportioned and appropriated to the respective division of said county as named in this section in proportion to the assessed valuation of property in said respective divisions, as is shown by the county assessment for the year 1908.

General Com-  
missioners.

SEC. 8. *Be it further enacted*, That the County Court at its first quarterly session after the bond proposition carries shall elect nine Road Commissioners, three from each division of the county as set out in Section 7, the entire commission of nine members to be known as the "General Commission," and the three Commissioners from each division of said county, when organized, to be a Commission to be known, respectively, as the "Eastern," "Middle," and "Western Division Commission," each of the four Commissions named to organize by the election of a Chairman and Secretary. The Secretaries of each Commission shall keep a true and correct record of all transactions and make complete reports to each session of the County Court. The Secretaries of each of the Division Commission are to draw all orders of the County Judge for warrants, and may be allowed by the County Court compensation for their services not exceeding twenty-five dollars (\$25) per month, all other Commissioners to be paid a salary of one dollar (\$1) per month; *provided, however*, that all Commissioners are to be reimbursed for necessary expenses.

Duties of.

SEC. 9. *Be it further enacted*, That it shall be the duty of the General Commission to negotiate and effect sale of the bonds, to this end advertising for and receiving bids therefor and selling to highest and best bidder, no sale of said bonds to be made for less than par value; to give necessary orders to the County Trustee for a delivery of said bonds to purchasers; to employ a competent civil engineer to lay out and superintend said work of building roads, and to perform other duties imposed on him in building of said roads, said engineer's salary not to exceed fifteen hundred dollars (\$1,500) per annum. The said General Commission is to adjust and settle all differences arising between the members of each or any of the Division Commissions, said General Commission to have supervision and control over all other matters in connection with this said fund and

Salary of.



the building of said roads, which are not otherwise provided for in this Act, each of the said Commissioners to take and subscribe to such oath of office as the County Court may designate. It shall be the duty of each of the Division Commissioners to determine what roads are to be built, and to have supervision and control over all matters pertaining to the building of the roads within their respective divisions; *provided, however*, that in the event of any one of said Division Commissioners fails to agree as a whole, then, in that event, the General Commission is to adjust and settle the disagreement, and may be called together for that purpose by either or any of the members of the disagreeing Division Commission.

SEC. 10. *Be it further enacted*, That all roads built Road grades. under the supervision of this Act shall be of the following specifications: The grade up and down hill not to exceed six per cent grade when practicable, and in no event to exceed eight per cent grade, the bed of said roads to be graded not less than twelve nor more than sixteen feet wide, and to be macadamized not less than eight nor more than twelve feet wide, the grading of roadbed to be done with a view of macadamizing full width if desired. All work shall be done under a contract, and to be let to Contracts. the lowest and best bidder, no bids to be considered, unless they be sealed bids, and these to be opened in the presence of all three members of the Division Commission which controls the work to be done under the said contract. Any or all bids may be rejected by said Division Commission. It is *provided, however*, that no contract shall be let to any one except he be capable and competent and equipped for said work, and all contractors to execute a solvent bond in a sufficient amount for a faithful and efficient fulfillment of his contract. And be it *further provided*, that no Commissioner shall be as an individual or member or firm or corporation eligible to enter into contract to perform said work or to be interested in any way in any of said contracts.

SEC. 11. *Be it further enacted*, That the County Sinking fund. Court shall levy an assessment of not more than ten (10) cents on each one hundred dollars (\$100) of the assessable property in said county for the payment of the interest on each of the fifty thou-

sand dollars (\$50,000) of bonds issued, and any surplus over and above the amount received from said levy, after paying the interest on said bonds, shall be, and is hereby, made a sinking fund for the purpose of paying off and retiring said bonds. Said sinking fund may be invested or loaned by the order of the County Court at a rate of interest not less than four and one-half ( $4\frac{1}{2}$ ) per cent per annum.

SEC. 12. *Be it further enacted*, That House Bill No. 1008, passed by the General Assembly of the State of Tennessee on April 14, 1905, and approved April 17, 1905, being an Act entitled "An Act authorizing Putnam County, Tenn., to issue and sell bonds to an amount not exceeding \$100,000 for the purpose of building good roads and bridges and the improvement of the public roads of said county," be, and the same is hereby, repealed.

SEC. 13. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 16, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 113.

### SENATE BILL No. 122.

(By Messrs. Howse and Matthews.)

AN ACT to be entitled An Act to authorize the business of a stock yard company and a provision and packing company to be incorporated and operated under one charter.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter stock yards and provision and packing companies may be chartered as one business and operated under one charter.

SEC. 2. *Be it further enacted*, That the form of charter and the rights, powers, and privileges shall be as follows:

State of Tennessee,  
Charter of Incorporation.

Form of  
charter.

Be it known that . . . . (here fill in this blank with the names of five or more persons who desire to be incorporated) are hereby constituted a body politic and corporate by the name and style of . . . . (here fill in the blank with the name of the corporation); for the purpose of buying, receiving, feeding, shipping, selling, and caring for live stock and the slaughtering of same and manufacture thereof into all forms and products known to commerce.

The general powers of said corporation are to sue and be sued by the corporate name; to have and use a common seal, which it may alter at pleasure (if no common seal, then the signature of the name of the corporation by any duly authorized officer shall be legal and binding); to purchase and hold or receive by gift, in addition to the personal property owned by said corporation, any real estate necessary for the transaction of the corporate business, and also to purchase or accept any real estate in payment or part payment of any debt due to the corporation, and sell realty for corporation purposes; to establish by-laws and make all rules and regulations, not inconsistent with the laws and Constitution, deemed expedient for the management of corporate affairs,

and to appoint such subordinate officers and agents, in addition to a President, Secretary, or Treasurer, as the business of the corporation may require, designate the name of the office and fix the compensation of the officer; to borrow money and issue notes or bonds on the faith of the corporate property, and also to execute a mortgage or mortgages as further security for payment of money thus borrowed.

The following provisions and restrictions are coupled with said grant of powers: A failure to elect officers at the proper time does not dissolve the corporation, but those in office hold until the election or appointment and qualification of their successors. The term of all officers may be fixed by the by-laws of the corporation, the same not, however, to exceed two years. The corporation may, by by-laws, make regulations concerning the subscriptions for or transfer of stock; fix upon the amount of capital to be invested in the enterprise; the division of the same into shares; the time required for payment thereof by the subscribers for stock; the amount to be called for at any one time; and in case of failure of any stockholder to pay the amount thus subscribed by him at the time and in the amounts thus called, a right of action shall exist in the corporation to sue said defaulting stockholder for the same. The Board of Directors . . . , which may consist of five or more members, at the call of the corporation, to be elected either in person or by proxy by a majority of the votes cast, each share representing one vote . . . , shall keep a full and true record of all their proceedings, and an annual statement of receipts and disbursements shall be copied on the minutes, subject at all times to the inspection of any stockholder. A majority of the Board of Directors shall constitute a quorum, and shall fill all vacancies until the next election. The first Board of Directors shall consist of the five or more incorporators who shall apply for and obtain the charter. The book of the corporation shall show the original or subsequent stockholders; their respective interests, the amount which has been paid, and the shares subscribed; the transfer of stock, by and to whom made; also other transactions in which it is presumed a stockholder or creditor may have an interest.

The amount of any unpaid stock due from a sub-

scriber to the corporation shall be a fund for the payment of any debts due from the corporation; nor shall the transfer of stock by any subscriber relieve him from payment unless his transferee has paid up all or any of the balance due on said original subscription.

By no implication or construction shall the corporation be deemed to possess any powers except those hereby expressly given or necessarily implied from the nature of the business for which the charter is granted, and by no inference whatever shall said corporation possess the power to discount notes or bills, deal in gold or silver coin, issue any evidence of debts as currency, or engage in any business outside the purpose of the charter. The right is reserved to repeal, annul, or modify this charter. If it is repealed, or if the amendments proposed, being not merely auxiliary, but fundamental, are rejected by a vote representing more than half of the stock, the corporation shall continue to exist for the purpose of winding up its affairs, but not to enter upon any new business. If the amendments or modifications, being fundamental, are accepted by the corporation as aforesaid, in a general meeting to be called for that purpose, any minor, married woman, or other person under disability, or any stockholder not agreeing to the acceptance of the modification shall cease to be a stockholder, and the corporation shall be liable to pay said withdrawing stockholders the par value of their stock, if it is worth so much; if not, then so much as may be its real value in the market on the day of the withdrawal of said stockholders as aforesaid.

*Provided*, that the claims of all creditors are to be paid in preference to said withdrawing stockholders.

If the indebtedness of said company shall at any time exceed the capital stock paid in, the directors assenting thereto shall be individually liable to the creditors for said excess. The stockholders are jointly and severally liable individually at all times for all moneys due and owing to the laborers, servants, clerks, and operators of the company, in case the corporation becomes insolvent.

If the directors declare and pay any dividend when the company is insolvent, on which declaration of a dividend would diminish the amount of the capital

stock, they shall be jointly and severally liable to creditors for the amount of dividends thus declared. Any director may avoid liability by voting against the dividend, or by filing his objections in writing as soon as he ascertains a dividend has been made.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 15, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 114.

### SENATE BILL No. 164.

(By Mr. Kimbrough.)

AN ACT to authorize the Board of Mayor and Aldermen of Covington, Tenn., to issue bonds to erect, maintain, and equip a public-school building to be used as a county high school, and to purchase the necessary real estate for said purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act it shall be lawful for the Board of Mayor and Aldermen of Covington to issue coupon bonds in the manner and under the restrictions hereinafter provided not to exceed the sum of fifteen thousand dollars; *provided*, said bonds or their proceeds shall be used exclusively for the purposes of erecting, maintaining, and equipping a public-school building in the town of Covington, Tenn., to be used as a county high school, and to purchase the necessary real estate for said purpose.

SEC. 2. *Be it further enacted*, That all bonds is

sued under this Act shall be of such denomination, Bonds—denomination of. bear such rate of interest not exceeding six per cent per annum, be due in such times not less than ten nor more than forty years from date, and be payable, both principal and interest, at such times and places as the said corporate authorities may determine, and be payable in lawful money of the United States. The said town of Covington may retain the right to call in and pay off the principal of said bonds or any part of the same at any time after the expiration of ten years from the date of their issuance.

SEC. 3. *Be it further enacted,* That the bonds provided in this Act shall in no case be sold for less than par or face value.

SEC. 4. *Be it further enacted,* That the Board of Sinking fund. Mayor and Aldermen shall provide and levy by ordinance a tax upon all the taxable property and privileges in said town of Covington to pay the interest on said bonds as the same accrues, and in like manner provide a sinking fund wherewith to retire said bonds by levying a special tax, to be designated the "High School Sinking Fund Tax," this tax to be levied, collected, and used exclusively for the purposes levied, and to be sufficient, with its accumulations, as near as can be estimated, to meet or retire the principal of said indebtedness at or by its maturity.

SEC. 5. *Be it further enacted,* That said bonds Bonds—how issued. shall not be issued unless so ordered by a vote of the majority of the qualified voters of said town voting at an election to be held for that purpose by order of the Board of Mayor and Aldermen of said town of Covington. Said election shall be held at any time or at as many times as the said Board of Mayor and Aldermen may deem necessary, and the said Board of Mayor and Aldermen may submit the question of issuing a portion of said bonds at one election and another portion at another election, until the whole amount of bonds herein provided for are ordered to be issued. At least thirty days' notice shall be given of any election ordered to be held under this Act by publication in a newspaper published in said town of Covington. Persons desiring to vote for the issuance of the bonds shall have written or printed upon their ballots the words "For the Bonds," and persons desiring to vote against

the issuance of bonds shall have written or printed on their ballots the words "Against the Bonds." The said Board of Mayor and Aldermen shall appoint an Officer to hold and Judges and Clerks to serve at said election.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 15, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 115.

### SENATE BILL No. 168.

(By Messrs. Howse and Matthews.)

AN ACT to amend "An Act to establish a Second Circuit Court of Davidson County, and to regulate the practice thereof, and of the Circuit Court of said county," passed February 6, 1895, and approved February 8, 1895, being Chapter 26 of the Acts of 1895.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 6 of an Act entitled "An Act to establish a Second Circuit Court of Davidson County, and to regulate the practice thereof, and of the Circuit Court of said county," passed February 6, 1895, and approved February 8, 1895, being Chapter 26 of the Acts of 1895, be amended by striking therefrom the following clause—to wit: "That the Judges of said Circuit Court and the said Second Circuit Court of Davidson County shall alternate in the holding of said courts at each successive term."

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 15, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 116.

### SENATE BILL No. 147.

(By Mr. Mansfield.)

AN ACT to incorporate the town of Etowah, in McMinn County, Tenn.; to define the corporate limits thereof; to define the rights, powers, and liabilities of said town; to provide for the government and control of same; to authorize said town to issue bonds not in excess of \$15,000 for the purpose of purchasing school grounds, building public schools, and for educational uses; and to provide for a sinking fund for the payment of said bonds.

Corporate  
limits.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That that section of McMinn County, Tenn., comprised within the following metes and bounds—to wit, beginning at a point six (6) feet eastwardly at right angles from the center line of the main track of the Atlanta Division of the Louisville and Nashville Railroad, said point being five hundred and ninety and eight-tenths (590.8) feet, measured in a northerly direction with said center line of the main track, from milepost 333 from Louisville; thence north  $74^{\circ} 0'$  west a distance of nineteen hundred and twenty-three and two-tenths (1,923.2) feet to a stake on the west line of Georgia Avenue, if extended northwardly; thence south  $23^{\circ} 0'$  west with said west line of Georgia Avenue, if extended northward a distance of four hundred and fifty-nine and three-tenths (459.3) feet to a stake on the middle, east, and west line of Section 6, Fractional Township 1, south, Range 1, east, said line being the north line of the property purchased by the Louisville Property Company; thence south  $89^{\circ} 13'$  west, with said middle, east, and west line of Section 6 a distance of nine hundred and sixty-five (965) feet to a stone, the northwest corner of the land originally purchased by the Louisville Property Company, and being the northwest corner of the northeast quarter of the southeast quarter (N. E.  $\frac{1}{4}$  of the S. E.  $\frac{1}{4}$ ) of said Section 6; thence south  $0^{\circ} 33'$  east with the west line of said northeast quarter of the southeast quarter (N. E.  $\frac{1}{4}$

of the S. E.  $\frac{1}{4}$ ) of Section 6, a distance of three hundred and twenty-nine and eight-tenths (329.8) feet to a stake; thence south  $89^{\circ} 17'$  west with the north line of the land originally purchased by the Louisville Property Company a distance of thirteen hundred and twenty-eight (1,328) feet to a stone on the west line of the property originally purchased by the Louisville Property Company, said stone being on the middle, north, and south line of said Section 6; thence south  $1^{\circ} 43'$  east with said middle, north, and south line a distance of ten hundred and eighty-three and seven-tenths (1,083.7) feet to a stake; thence south  $20^{\circ} 54'$  west, a distance of six hundred and fifty-seven and six-tenths (657.6) feet to a stake; thence south  $6^{\circ} 50'$  west, a distance of 560 feet to a line of the property of John Leslie; thence directly east to the said middle, north, and south line of Section 6; thence with said middle, north, and south line of Section 6 to a railroad iron set in the ground at the intersection of the south line of Eleventh Street with the west line of the property owned by the Louisville Property Company; thence south  $20^{\circ} 2'$  east with said west line of the Louisville Property Company's land, a distance of five hundred and seven and nine-tenths (507.9) feet, to a point four hundred and sixty (460) feet southwardly at right angles from the south line of Eleventh Street in the town of Etowah; thence south  $67^{\circ} 0'$  east parallel to and four hundred and sixty (460) feet from said south line of Eleventh Street, a distance of two thousand three hundred and forty-eight and six-tenths (2,348.6) feet, to a point six (6) feet eastwardly at right angles from the center line of the main track of the Atlanta Division of the Louisville and Nashville Railroad Company; thence in a northeasterly direction parallel to and six (6) feet from said center line of main track and on the east side thereof, a distance of five thousand three hundred and eight and eight-tenths (5,308.8) feet, to the place of beginning—and the inhabitants thereof are hereby incorporated as a municipality under the name and style of the "Town of Etowah," and shall have perpetual succession, and by its corporate name may sue and be sued, plead and be impleaded; may acquire and hold real or personal property within or beyond the limits of said town

for all municipal purposes; and may sell, lease, or dispose of same for the benefit of said town; and may have and use a corporate seal, changeable at pleasure.

Adjoining  
territory—  
how added.

SEC. 2. *Be it further enacted*, That territory adjoining the corporate limits of said town may be added thereto and included in the corporate limits thereof as follows: Twenty-five citizens, resident freeholders in the territory proposed to be added to and included in the corporate limits of said town, shall sign a petition in writing over their signature, in which shall be described by metes and bounds the particular territory proposed to be added and included, and shall submit the same to the Board of Commissioners of said town for consent and approval. If said Board of Commissioners give said consent and approval, to be expressed by ordinance, and a majority of the freeholders of said new territory who are entitled to vote for members of the General Assembly consent, the said new territory shall become a part of said town. To obtain the said consent of said freeholders, an election shall be held at some convenient or public place within said new territory, and each freeholder entitled to vote for members of the General Assembly who shall have resided in said new territory more than six months next preceding said election, and each nonresident freeholder who shall be a citizen of the State and shall have owned a freehold in said new territory more than six months previous to said election shall be a qualified voter, but no others.

The legally constituted election authorities of McMinn County, Tenn., shall, within sixty days after receipt of certified copy of the ordinance of said Board of Commissioners consenting to the addition of said new territory to the corporate limits of said town, hold said election; shall give twenty days public notice in said new territory of the time, place, and purpose of said election; and shall appoint Judges and Clerks to aid in said election; and shall make return within ten days after said election of the result of said election to said Board of Commissioners, which return shall be spread upon the official record of said Board of Commissioners; and if a majority of said qualified voters be in favor of the admission of said new territory into the corporation

of said town, then said new territory shall become a part of said town of and from the day of said election.

SEC. 3. *Be it further enacted*, That all property—<sup>Taxes.</sup> real, personal, and mixed—subject to State and county taxes, and all persons liable for a poll tax when the same shall have become duly assessed for taxation as now or may hereafter be provided by law under the general laws of the State, shall be the basis upon which property shall be taxed and collected by said town of Etowah for municipal purposes.

SEC. 4. *Be it further enacted*, That as soon as practicable after said assessment is complete, which shall be after the Board of Equalization provided for by the State law shall have finished its duties in the equalization of taxes, it shall be the duty of the County Court Clerk of McMinn County, Tenn., from the said assessment books in his possession to make out and deliver to the Recorder of said town of Etowah a tax book such as required by law to be made out by him for the Trustee of the county, embracing, however, only such properties and persons as are liable for said town taxes. Such tax book shall be furnished the said County Court Clerk by the town of Etowah, and shall be returned by him properly made out as above provided not later than the first day of October of the year for which said property is assessed. <sup>Tax books.</sup>

SEC. 5. *Be it further enacted*, That all taxes due <sup>Taxes—when due.</sup> the town of Etowah appearing upon the tax book furnished the said Recorder as above provided shall be due and payable on the first day of October for each and every year for which the taxes are assessed, and shall bear interest from and after the first day of November thereafter at the rate of six per cent per annum; but the Board of Commissioners may by resolution extend the time for the collection of said taxes without penalty and interest not exceeding three months.

All taxes and privileges and all other moneys due the town of Etowah shall be paid to the Recorder, who shall issue the receipt of the town therefor. Said Recorder, as the collector of taxes, shall have power to issue distress warrants in the name of the town of Etowah to enforce collections, and the same

may be executed by the members of the police and be made returnable at such time as may be fixed by ordinance. The officer collecting said taxes and privileges under said distress warrant shall be entitled to collect a fee of twenty-five cents and four per cent commission.

That on the thirty-first day of December of each year thereafter, if said Board of Commissioners have not extended the time of payment of said taxes, and in the event then, sixty days after such extended time, the Recorder shall certify the delinquent taxes to the City Attorney, to be collected by him by an original suit in the Chancery Court; and if there is no City Attorney, then to the Clerk of the Circuit Court of McMinn County, Tenn., in which event the property upon which said delinquent taxes are levied, and said taxes shall become subject to the provisions of the general laws of the State in respect to delinquent taxes after the same have been certified by the Trustee of said McMinn County to said Circuit Court Clerk.

Board of Commissioners.

SEC. 6. *Be it further enacted*, That the corporate authorities of said town of Etowah shall be vested in a Board of Commissioners, five in number, who shall be citizens of the State of Tennessee and residents in said town of Etowah for at least one year next before the day of their election; and should either cease to be a resident of said town, his office shall thereby be vacated.

Said Board of Commissioners and the Recorder hereinafter provided shall be elected for the term of two years by the qualified elector of said town.

Said election shall be held by the legally constituted election authorities of McMinn County, in the town of Etowah, on the first Tuesday in January of 1911 and every two years thereafter; and all persons owning real estate within said town of Etowah and all persons living therein who have been residents thereof for six months previous to said election and who are entitled to vote for members of the General Assembly shall be entitled to vote in said election.

Election—  
when held.

SEC. 7. *Be it further enacted*, That within thirty days after the passage of this Act the legally constituted election authorities of McMinn County, Tenn., shall hold an election in the town of Etowah

for the election of the first Board of Commissioners, who shall hold their offices until the first Tuesday in January, 1911, or until their successors are elected and qualified.

SEC. 8. *Be it further enacted*, That the Board of Commissioners to be elected shall meet the Saturday following their election for the purpose of organizing after first taking an oath before some Justice of the Peace of McMinn County to faithfully and honestly discharge the duties of their office to the best of their ability, and shall proceed to elect as follows:

Organization  
of Commissioners.

One of the Commissioners to be known as "Chairman of the Board of Commissioners."

One of the Commissioners to be known as the "Commissioner of Finance."

One of the Commissioners to be known as the "Commissioner of Streets and Police."

One of the Commissioners to be known as the "Commissioner of Education."

One of the Commissioners to be known as the "Commissioner of Public Health."

The Commissioner of Finance shall have under his special charge the enforcement of all laws for the levying and collecting of all taxes and other revenues of the town, and who shall examine into and keep informed as to the finance of the town.

Duties of Commissioners.

The Commissioner of Streets and Police shall have under his special charge the supervision of the streets, alleys, and sidewalks and the public grounds, and the enforcement of all the police regulations and general supervision over the Police and Fire Departments.

The Commissioner of Education shall have under his special charge the enforcement of the public-school ordinances of the town, and who shall examine into and keep informed as to the educational matters of the town.

The Commissioner of Public Health shall have under his special charge the supervision of the health of the town and the enforcement of the health, sanitary, and quarantine ordinances of the town.

SEC. 9. *Be it further enacted*, That the Board of Commissioners as a whole shall have supervision of and be responsible for the administration of special duties of the respective Commissioners.

That no final action shall be taken in any matter concerning the special department of any absent Commissioner, unless such absent Commissioner is absent for the purpose of preventing such action, or is willfully neglecting his duties as Commissioner.

Salaries of.

SEC. 10. *Be it further enacted*, That said first Board of Commissioners shall serve without compensation until the first day of October, 1910, and that thereafter the compensation of each of said Commissioners and of the Commissioners to be hereafter elected shall be at the rate of fifty dollars (\$50) per annum, payable at such time as said Board of Commissioners may determine.

SEC. 11. *Be it further enacted*, That in said election the five candidates for Commissioner receiving the highest number of votes cast in said election shall be the Board of Commissioners; and in event of a tie between the candidates for Commissioner or Recorder, they shall cast lots to determine who shall be elected.

How removed.

SEC. 12. *Be it further enacted*, That any Commissioner and the Recorder may be removed in the following manner: By a suit based upon a petition filed in the Chancery Court of McMinn County, Tenn., signed by at least twenty-five voters of said town of Etowah and verified by the affidavit of at least five of said petitioners, setting forth grounds showing that the welfare of the town requires the removal of said official, which petition and the proceedings thereon shall be heard and determined by said court as speedily as justice may permit. That this suit shall not be prosecuted on pauper's oath.

Vacancies  
filled—how.

SEC. 13. *Be it further enacted*, That all vacancies occurring in said Board of Commissioners shall be filled by an election for the unexpired term by the remaining members, and upon vacancy in the office of Recorder, the same shall be filled by the Board of Commissioners for the unexpired term.

Powers of.

SEC. 14. *Be it further enacted*, That the Board of Commissioners shall have the following powers by ordinance:

1. To levy and collect taxes upon all property, polls, and privileges taxable by law for State purposes.

2. To appropriate money and provide for the payment of the debts and expenses of the city.



3. To make regulations to secure the general health of the inhabitants; to establish and regulate hospitals and pesthouses; and to prevent, declare, and remove nuisances.

4. To make regulations to prevent the introduction of contagious diseases into the city and to make quarantine laws for that purpose, and to enforce the same within two miles of the city.

5. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair streets, alleys, and sidewalks.

6. To provide for the prevention and extinction of fires; to organize and equip fire companies; and to regulate the erection, alteration, and maintenance of buildings.

7. To provide the city with waterworks within and beyond limits of the town, or provide for supplying the town with water otherwise; to provide for lighting of the streets, public places, and public buildings by contracts with the Louisville and Nashville Railroad Company or otherwise.

8. To establish a system of free schools and regulate the same so as to avoid sectarian influence, and to compel attendance upon the same.

9. To establish and regulate a police for the town, and at the request of any number of citizens, not less than five, or of any incorporated company owning property in the town, may confer police powers upon any watchman or other employee of said citizens or company under such conditions as said Board of Commissioners may determine; *provided, always*, that said town shall not be liable to compensate said special police.

10. To license, tax, regulate, and suppress theatrical and other exhibitions, shows, and amusements.

11. To prohibit and suppress all gambling houses, disorderly houses, house of ill fame, and obscene pictures and literature.

12. To prohibit and suppress soft-drink stands, and all sale by retail for beverage purposes, or the giving away for beverage purposes of any intoxicating liquors, including all wine and beer.

13. To regulate the storage of gunpowder, coal oil, and all other combustible, explosive, and inflammable material, and to regulate or suppress the use and sale of firecrackers and fireworks, toy pistols, and

to prevent and suppress the sale of firearms and carrying of concealed weapons.

14. To establish markets, and to provide for the regulation and inspection of all articles of food sold in said town; and to provide for the inspection of oils and all intoxicating liquors, including ale, wine, and beer, brought into said town.

15. To license, tax, and regulate auctioneers, grocers, merchants, taverns, brokers, coffee houses, restaurants, hawkers, peddlers, livery stable keepers, and all other privileges taxable by the State law.

16. To regulate or suppress the keeping and going at large of animals, and to establish and regulate a pound.

17. To provide for the arrest and imprisonment of all riotous and disorderly persons within the city, and for punishment of breaches of the peace.

18. To impose fines, forfeitures, and penalties for the breach of any ordinance, and provide for their recovery and appropriation.

19. To provide for the erection and maintenance of all buildings necessary for the use of the town, or to lease suitable buildings for the necessary use of said town.

SEC. 15. *Be it further enacted*, That the town of Etowah is hereby granted the power to enact and ordain any and all local laws not in conflict with the Constitution and general laws of the State for the government of said city, whether same be within the express grants of this charter or not; and wherever in this Act there are any omissions in defining the duties or authority of any officers provided for herein which are necessary to the proper carrying out of any of the objects of this Act, the town of Etowah is hereby empowered to supply such omission by ordinance.

Engineer and  
Attorney.

SEC. 16. *Be it further enacted*, That said Board of Commissioners may by ordinance provide for an engineer and attorney and other officers and departments; to elect such officers and the members of said departments, and to fix their compensation and to define and regulate their duties and powers.

SEC. 17. *Be it further enacted*, That it shall be unlawful for any person, firm, partnership, or corporation to manufacture or sell or offer to sell, give away, bargain, take orders, or tippie any intoxicating

liquors, including wine, ale, beer, or vinous, spiritous, malt, or mixed liquors within the limits of said town, and said town is vested with power to pass all ordinances necessary to effectuate the prohibitory provisions of this section.

SEC. 18. *Be it further enacted*, That there shall be a Town Recorder elected at the same time as the Board of Commissioners are elected and by the same electors, who shall be a resident citizen of the town for one year next preceding the date of said election, who shall hold office for two years and shall receive such compensation as the Board of Commissioners may provide by ordinance. Town Recorder.

SEC. 19. *Be it further enacted*, That it shall be the duty of the Recorder to be the Secretary of the Board of Commissioners; to keep a record of the proceedings; to have the custody of the town seal, and all records, papers, and documents belonging to said town; to act as Treasurer of said town; to receive all moneys, including taxes due from all sources, and to pay out the same only on warrants or checks upon order of said Board of Commissioners, and signed by the Recorder and countersigned by the Commissioner of Finance; and shall give such bonds in such sums as the Board of Commissioners may require by ordinance for the faithful performance of his duties in respect to said moneys. Duties of Recorder.

SEC. 20. *Be it further enacted*, That the Recorder, and in case of the absence or inability of the Recorder, the Chairman of the Board of Commissioners, is hereby vested with full power and authority to try all offenses and impose fines for the violation of the laws and ordinances of said town, and is also hereby invested with all the powers of a Justice of the Peace; but his jurisdiction shall not extend beyond the limits of said town for the trial of all cases of violation of the criminal laws of the State. That in trials for violation of the laws and ordinances of the town of Etowah and the criminal laws of the State, the Recorder shall be entitled to the same fees as are allowed by law to Justices of the Peace for like services; *provided, however*, that no costs shall be recovered from said town. The Recorder, as such judicial officer, shall keep a docket in regular order.

SEC. 21. *Be it further enacted*, That the Recorder

or the person acting in his place shall have the power to commit to the county jail or workhouse of McMinn County, or to the workhouse of said town, any person who may fail or refuse to pay any fine or costs imposed on him or her for any violation of any of the laws or ordinances until such fine or costs have been paid in full, and that every person thus committed shall be required to work for the town at such labor as his or her health will permit within or without said town not exceeding ten hours each day, and the person thus laboring shall be allowed such compensation as the Board of Commissioners may fix by ordinance; *provided*, no person shall be committed or compelled to work longer than three months for any one offense.

Workhouse.

SEC. 22. *Be it further enacted*, That said town may by ordinance establish, maintain, and regulate a workhouse.

SEC. 23. *Be it further enacted*, That appeals may be taken from the judgment of the Recorder in the same manner as now provided by law for appeals from the Justice of the Peace.

Police powers.

SEC. 24. *Be it further enacted*, That the police shall possess all the common law and statutory power of constables, except for the service of civil process, and that the police authority shall extend to a distance of one mile from the corporate limits of said town for the suppression of all disorderly acts or practices forbidden by the general laws of the State and ordinances of said town, and for the purpose of executing all criminal and other process issued by the Recorder of said town.

SEC. 25. *Be it further enacted*, That the several members of the police shall have power and authority to immediately arrest without warrant and take into custody any person who shall commit, threaten, or attempt to commit in the presence of such member or within his view any breach of the peace or offense prohibited by the laws of the State or any ordinance of said town.

SEC. 26. *Be it further enacted*, That the several members of the police shall have power and authority to arrest without warrant and take into custody any person said police shall have reasonable cause to believe has committed, threatened, or attempted to commit any breach of the peace or offense pro-

hibited by the laws of the State or any ordinance of said town.

SEC. 27. *Be it further enacted*, That there shall be a Board of Education, to consist of three citizens of the town, not members of the Board of Commissioners, to be elected by the Board of Commissioners, the first Board of Education to be elected by the first Board of Commissioners within thirty days after the organization of said Board of Commissioners; that one member of said Board of Education shall be elected for two years, one member for four years, and one member for six years, and biennially thereafter one member shall be elected for six years. Said members of the Board of Education are subject to removal by the Board of Commissioners upon notice and for good cause.

Board of Education.

Vacancies in said Board of Education are to be filled by the Board of Commissioners. The said Board of Education shall have control and management of the public schools of the town, and shall prescribe such rules and regulations for said schools and for its own actions as may be deemed necessary. That said Board of Education shall elect biennially one of its members as Chairman, and the Recorder is hereby constituted the Secretary of said Board.

SEC. 28. *Be it further enacted*, That said town of Etowah is hereby authorized to issue and sell its interest-bearing coupon bonds in any amount not exceeding fifteen thousand dollars, the proceeds thereof to be used for the purchase of school grounds and the erection of school buildings, and for the equipment and maintenance of same until October 1, 1910; that said bonds may be issued in such form and denomination and at such times and in such amounts and bear such rate of interest, not exceeding six per cent, payable semiannually, and maturing at such a time after date not exceeding twenty years as the Board of Commissioners of said town may by ordinance determine.

SEC. 29. *Be it further enacted*, That before said bonds shall be issued, the town of Etowah shall provide by ordinance for a sinking fund wherewith to retire said bonds by levying a special tax, beginning with the year 1910, to be designated "Sinking Fund Tax," and to run with the bonds, and to be collected annually and used exclusively for the purpose levied,

and be sufficient, with its accumulations, as near as may be estimated, to meet or retire the bonds at their maturity.

SEC. 30. *Be it further enacted*, That before issuing said bonds, said Board of Commissioners shall either elect three citizens of said town as Sinking Fund Commissioners, not members of the Board of Commissioners, who shall be so first elected that one of said Commissioners shall be elected—one for one year, one for two years, one for three years, and every year thereafter one shall be elected to serve three years, or elect some State or national bank doing business in Tennessee for the term of two years as Sinking Fund Commissioner; that said Commissioners shall take an oath faithfully to discharge their duty, and said Commissioners or said bank shall give bond under such penalty and conditions as shall insure safety to the fund, and shall serve for such compensation as may be provided by ordinance; that such Commissioners or bank shall receive said sinking-fund taxes and invest same from time to time in bonds of said town or otherwise, and settle their or its accounts as may be required by ordinance; *provided*, that when any bond of said town is purchased, it shall be surrendered to the Board of Commissioners to be canceled.

SEC. 31. *Be it further enacted*, That the Board of Commissioners shall not have power to levy and collect in any one year for any and all purposes a higher rate of tax than one and one-half per cent of the assessed value of the taxable property within the corporate limits of said town.

SEC. 32. *Be it further enacted*, That in addition to the tax of one and one-half per cent as provided in Section 31 of this Act, the said Board of Commissioners, at its option, may levy and collect a special tax of ten cents on each hundred dollars of the assessed value of the taxable property within the corporate limits of said town, to be used exclusively for public-school purposes.

SEC. 33. *Be it further enacted*, That the Board of Commissioners shall not appropriate or contract for any greater sum of money in any one year than the income of that particular year amounts to.

SEC. 34. *Be it further enacted*, That said Board of Commissioners shall hold meetings at such times as

they may determine, not to be less than two regular meetings per month.

SEC. 35. *Be it further enacted*, That the grades of the streets and roads existing within the limits of said town of Etowah at the time of the passage of this Act are not to be deemed established grades, and said town is not to be held liable for changing same, but shall be liable only for such changes as may be made after said grades shall have been established by said town.

SEC. 36. *Be it further enacted*, That the town of Etowah is hereby created a Special Road District, to be worked under the orders of the Board of Commissioners; and the County Trustee of McMinn County is hereby required to keep a separate account of the regular road taxes collected by him on the property and privileges of said town and pay same over to the Recorder of said town upon the warrant of the Chairman of the Board, and such warrant will be a good voucher to the Trustee in his settlement with the County Court, and the Road Commissioner of the Third Road District of McMinn County is required, as soon as practicable after the passage of this Act, to make up, certify, and furnish to the Recorder of said town a list of the persons residing within the limits of what is hereby made the town of Etowah who are subject to road labor; and the road tax thus collected for the year 1909 and the road labor shown by the list thus furnished for the year 1909 will be used and applied by the Board of Commissioners of said town to the opening; building, grading, and improving of the streets of said town; and said Board of Commissioners and the members and agents thereof who may be properly charged with said road work will be vested with all the power and authority and the benefit of all the remedies for the enforcement and use of said road labor and tax as now provided by law for county authorities in the enforcement and use of the same; *provided, however*, that nothing in this charter shall be construed as in any way affecting the validity of the levy of tax and designation of labor for road purposes heretofore made by the County Court of McMinn County covering the property, privileges, and road hands within the territory constituted by this Act a municipality, the purposes of this provision being only to

Special road  
district.

transfer from the county authorities as now constituted, to the municipal authorities of the town of Etowah herein created, the duty of expending said tax and enforcing said labor.

SEC. 37. *Be it further enacted*, That it shall be the duty of the Board of Commissioners, within the month of January of each year, to prepare a budget for the expenses for the ensuing year, which shall designate the officers and employees of the corporation, with the compensation of each, and the probable expenditures of the town for all purposes, and including the estimated income from all sources.

SEC. 38. *Be it further enacted*, That it shall be the duty of the Board of Commissioners, on December 31 of each year or within fifteen days thereafter, to prepare and publish a report showing the receipts of said town, from what sources, and the expenditure of the same, and for what purposes.

SEC. 39. *Be it further enacted*, That said Board of Commissioners shall have the power to grant franchises over the streets and public grounds of the town for public-service purposes, but said franchises shall not be for more than twenty years, and shall not be exclusive.

SEC. 40. *Be it further enacted*, That the town of Etowah shall have, and hereby is given, the power of eminent domain for the purpose of effectuating the objects, purposes, and powers of this charter to be exercised under the general laws relating to eminent domain.

SEC. 41. *Be it further enacted*, That all ordinances shall begin by an enacting clause, as follows:

“Be it ordained by the Board of Commissioners of the town of Etowah,” and at the end contain the provision that: “This ordinance shall take effect from and after its passage, the welfare of the town requiring it.” Otherwise the same shall not take effect until twenty days after its passage.

SEC. 42. *Be it further enacted*, That this Act is declared to be a public Act, and may be read in evidence in all courts, and all ordinances, resolutions, and proceedings of said Board of Commissioners created by this Act may be proven by the seal of said corporation attested by the Recorder.

SEC. 43. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the



same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 8, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 117.

### SENATE BILL No. 311.

(By Mr. Askew.)

AN ACT to authorize the Mayor and Aldermen of the city of Jackson to issue and sell its interest-bearing coupon bonds in the sum of \$7,500 for the purpose of paying the costs and expenses of building and constructing a storm-water sewer, or indebtedness incurred therefor, and providing for their payment and redemption.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the city of Jackson, a municipality created and organized under an Act of the General Assembly of the State of Tennessee, being Chapter 399 of the Acts of 1907, passed April 11, 1907, and approved April 15, 1907, be, and the said municipal corporation is hereby, empowered to issue and sell its interest-bearing coupon bonds in the amount of seven thousand five hundred dollars (\$7,500), the said bonds, or the proceeds of the sale thereof, to be used for the purpose of paying the costs and expenses of building and constructing a storm-water sewer in and under and along Royal Street, within the corporate limits of the said city of Jackson, which said bonds shall bear the corporate name of the city affixed thereto by its Mayor and attested by

Denomina-  
tions of  
bonds.

its Recorder, or the corporate name of said city and the names of the Mayor and Recorder may be lithographed on said bonds.

SEC. 2. *Be it further enacted*, That said bonds shall be issued in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), and shall run for a period not to exceed ten (10) years from the date of issuance thereof, and shall bear a rate of interest not to exceed six (6) per cent per annum, said interest to be paid semiannually and to be evidenced by coupons in the usual form. Said bonds shall be known as "Royal Street Improvement Bonds of the City of Jackson."

SEC. 3. *Be it further enacted*, That the Legislative Council of said city may by ordinance or resolution prescribe the manner in which said bonds shall be sold, but no bonds shall be sold for less than par. The proceeds of the sale of said bonds shall be used for the purpose of paying the costs and expenses of building and constructing the storm-water sewer in and along and under Royal Street within said city, or for paying any indebtedness already incurred by the said city in the building and constructing of said sewer; and for the purpose of providing a sinking fund which, with its accumulation, shall be sufficient, as nearly as may be estimated, for the payment and redemption of said bonds at maturity and the payment of the interest on said bonds as it falls due. The said municipal corporation is hereby authorized to levy and collect on all taxable property and privileges of said city an annual tax, in addition to all other municipal taxes. That the Sinking Fund Commissioners heretofore elected or appointed by the Mayor and Aldermen of said city, under authority heretofore granted, shall receive from the collector of taxes all the taxes herein provided for, out of which they shall pay the interest on said bonds when due, and from time to time invest the balance of the funds in the said bonds at a price not to exceed the par value thereof, and the accrued interest, or they may loan the said funds until the said bonds shall mature and become subject to redemption, whereupon the said funds shall be used for the purpose of paying and redeeming said bonds. The Sinking Fund Commissioners shall make settlement of their

account in such manner and with such persons as the Council may by ordinance direct.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 17, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 118.

### SENATE BILL No. 108.

(By Mr. Ward.)

AN ACT to be entitled An Act to authorize and empower Dyer County to issue not exceeding \$150,000 of coupon bonds of said county for the purpose of constructing good roads in said county, and to provide for the manner of constructing the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Dyer, through its Quarterly Court and Chairman of said court, is hereby authorized and empowered to issue coupon bonds of said county to the amount of not exceeding one hundred and fifty thousand dollars (\$150,000) for the purpose of constructing good roads in said county.

SEC. 2. *Be it further enacted*, That the county of Dyer, through its Quarterly Court and the Chairman thereof, is hereby authorized and empowered to issue the coupon bonds of the county in the sum of not exceeding one hundred and fifty thousand dollars, in denominations of one thousand dollars each, bearing interest from date at a rate of not exceeding five (5) per cent per annum, payable semiannually on the first day of July and January of each

Denominations of.

Election.

and every year. Said bonds and the interest coupons shall be made payable at the First National Bank in Dyersburg, Tenn. Said bonds shall be made due and payable thirty years after date, with the right of the county, through its Chairman, to call in and pay any or all of said bonds after the expiration of five years from their date. All of said bonds and coupons are hereby exempted from county and municipal taxation; *provided*, a majority of the qualified voters of said county voting shall vote in favor of the issuance of said bonds at an election called for that purpose by the Election Commissioners of said county or other legally constituted authority, said election to be advertised in at least three of the newspapers of the county for at least three weeks prior to said election; and in the event the proposition to issue said bonds fails at said election, then the proposition may be submitted to the people of said county after the expiration of six months from said first election, and as often as may be necessary. The ballots used in said election shall have written or printed on them the words "For Road Bonds" and "Against Road Bonds."

SEC. 3. *Be it further enacted*, That the County Court of Dyer County, through its Chairman, is hereby authorized and empowered to have said bonds and coupons prepared in proper form and engraved or lithographed, and after they shall have been properly filled out all of said bonds shall be signed by the Chairman of the County Court of said county, and shall be attested by the Clerk of said court, who shall affix his signature and the county seal thereto. The coupons on said bonds shall bear the engraved or lithographic signature of the County Court Clerk.

Trustees of  
Good Roads  
Funds.

SEC. 4. *Be it further enacted*, That the County Court, at its first regular meeting, or at a special meeting called by the Chairman, on ten days' notice, published in a newspaper in the county, after an election has been held and authority given to issue said bonds, shall elect four citizens of the county, who, in conjunction with the Chairman of the County Court, are hereby constituted a Board of Trustees, to be known as "Trustees of Good Roads Funds," who shall have charge of the issuance of the \$150,000 of bonds provided for in this Act. The

said Trustees shall in thirty days after their appointment meet and organize by electing one of their number Chairman of their said body and one of them Secretary. They shall keep a record of their proceedings, and are hereby empowered to fill any vacancies that may occur in their said Board. They are further empowered and directed after the Chairman of the County Court shall have delivered to them the first series of said bonds, in which shall not be less than \$50,000, to sell the same, but not for less than par, and no commission in any form or guise whatever shall be paid for the sale of the same. The County Court may authorize the sale of said bonds that may remain unsold at any time by resolution to that effect in series of not less than \$25,000, and all of said series shall be handled by said Trustees above provided for, as was directed as to the first series of \$50,000. The proceeds of said bonds shall be paid to the Trustee of Dyer County, and shall be prorated by him to the several civil districts of the county according to the valuation of real and personal property in said districts in the year 1909, as relates to the valuation of the whole of the county, and shall be credited by him to said districts, on a ledger kept by him for the purpose of keeping the accounts for the Good Roads Fund, which said moneys are to be paid out by said Trustee only upon orders properly drawn by authorized parties hereinafter provided for.

SEC. 5. *Be it further enacted*, That the County Court of Dyer County, at its first term after the passage of this Act, shall elect a committee for each civil district of such numbers as it deems best, who shall have full charge and control of the construction of the roads in their several districts; shall designate which roads are to be built; shall employ such engineers as may be deemed necessary; and shall purchase all such tools, machinery, and material of every kind and character as may be deemed necessary to build and construct the said good roads herein provided for. In the event the said County Court fails or neglects to elect said committees, they then shall be appointed by the Chairman of the County Court, and shall have all the powers as if elected.

Committee for districts.

SEC. 6. *Be it further enacted*, That the said District Committees shall each elect a Chairman and

Secretary; shall draw their warrants or orders upon the Trustee of Dyer County, Tenn., for any amounts expended by them on said roads, to be signed by both the Chairman and Secretary of said committee; and the Trustee of Dyer County is authorized and directed to pay said warrants or orders, when so drawn upon presentation, and he shall keep said funds separate and distinct, to the credit of each district, as above provided for, charging each district with the amounts drawn therefrom by its committee, and shall make settlements with said committee at such time as they may order and direct. For his services in receiving, handling, and disbursing said funds the said County Trustee shall receive a compensation of one-half of one per cent of said amount so handled and paid out by him.

SEC. 7. *Be it further enacted*, That the said District Committees shall also have the power and authority to draw their warrants or orders to pay for said necessary engineers and assistants and for all labor and material of every kind used in the construction of said roads, and to pay for lands which have been condemned or purchased for the purpose of straightening curves and bends in said roads. They shall have the power to examine any and all bills before payment; and if in their judgment any bill ought not to be paid, to refuse to pay the same. They shall not pay any bill until the same has been duly approved by the proper officer or employee who directed the purchase of the same, or employed the labor, and until said bill shall have been fully itemized. Before proceeding with said works, the said committees shall inaugurate a proper system of bookkeeping and auditing of said payments and accounts upon books furnished at the county's expense, which the County Chairman is hereby authorized to buy.

SEC. 8. *Be it further enacted*, That the Chairman of the County Court shall draw his warrants semiannually to pay the interest on said bonds, and said warrants shall be drawn in favor of the said bank at which said bonds and coupons are payable.

Engineers.

SEC. 9. *Be it further enacted*, That the said District Committees shall employ suitable engineers, who shall make surveys of all roads which he may be ordered to make, and in making said surveys he

shall lay them off not less than forty (40) feet in width. He shall establish grades on all of said roads; and he shall, if it is possible, remove all short bends and unsightly curves in said roads, and may have charge of the construction work on said roads, subject, however, to the control and order of said committees employing him. None of the moneys derived from the sale of said bonds shall be used or expended upon any road in the county which is not graded and drained and at least thirty (30) feet wide between the ditches.

SEC. 10. *Be it further enacted*, That no part of the <sup>Funds,</sup> funds derived from the sale of said bonds aforesaid shall be used for the purchase of additional lands to widen any of the said roads; and when said engineer shall have made a survey of any of said roads, the committee is hereby required to secure from the landowners conveyances in writing for any additional lands required to make said road come up to and conform to the requirements herein stated before said road work is commenced or proceeded with, and in the event any one of them refuses, the committee may abandon all further work on said road and proceed to survey and build some other road.

SEC. 11. *Be it further enacted*, That the engineers shall make monthly reports to said committees, in writing, of the expenditures authorized by him, as well as a report of all construction work.

SEC. 12. *Be it further enacted*, That the County Workhouse Commission shall honor all requests made by the said committees for the use of the workhouse hands and tools, if not in actual use and otherwise employed by the county.

SEC. 13. *Be it further enacted*, That the District Committees herein provided for are hereby vested with full and complete power to condemn and fix the value of all lands needed to widen and build the roads in their respective districts. They shall give five days' notice to all parties interested of their intentions, and shall notify the parties of their action in the premises, and shall report their action to the Chairman of the County Court, who shall confirm their action or disagree and disallow their award. In the event the Chairman disallows the award, he may fix the compensation to be paid, and shall notify both the committee and party affected by his ac-

To condemn  
lands.

tion, in which event any party feeling aggrieved may appeal to the County Court at its next regular session, from the decision of which court an appeal may be [made] to the Circuit Court, and the said committees may, and is hereby, given full power to purchase any lands needed, as hereinbefore provided, except for widening said roads. Lands condemned for widening roads shall be paid for out of the general county fund.

SEC. 14. *Be it further enacted*, That the County Court of Dyer County, at its April term in each year, shall levy a special tax, to be known as the "Road Bond Interest Tax," in an amount sufficient to pay the annual interest on the bonds then outstanding.

SEC. 15. *Be it further enacted*, That the County Court is hereby vested with full power and authority to levy at any time a special sinking-fund tax, with which to provide funds to pay said bonds at maturity, which shall not, however, at any time exceed twenty cents on the hundred dollars of taxable values.

SEC. 16. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 15, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 119.

### SENATE BILL No. 114.

(By Messrs. Cooper and Huffaker.)

AN ACT to authorize municipalities of Tennessee, having a population by the census of 1900 or any subsequent Federal census of not less than 30,000 nor more than 40,000, to issue two hundred and seventy-five thousand dollars of coupon bonds with which to fund the bonded indebtedness of said cities, maturing July 1, 1910.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all municipalities of Tennessee, having a population by the Federal census of 1900 or any subsequent Federal census of not less than 30,000 nor more than 40,000, be, and they are hereby authorized and empowered to issue in their corporate capacity coupon bonds, to be signed by the Mayor and countersigned by the Recorder, in the manner and under the restrictions hereinafter provided, to the amount of two hundred and seventy-five thousand dollars (\$275,000), to be appropriated to fund the bonded indebtedness of said cities, maturing July 1, 1910.

SEC. 2. *Be it further enacted*, That all bonds issued under this Act shall be used exclusively for the purpose above set out, and said bonds when issued hereunder shall be of such denomination and bear such rate of interest, not to exceed five (5) per cent per annum, as may be determined upon by the Mayor and Aldermen of said cities, and said bonds shall be issued, payable at the end of thirty years from the date of issuance, and interest and principal shall be payable in lawful money of the United States of America at such place within or without the State of Tennessee as the Board of Mayor and Aldermen of such cities may determine, and the interest shall be payable at such times as the Mayor and Aldermen may determine, and said bonds shall recite the date of their issuance, the date of their maturity, the fact that a special tax has been authorized to be levied to create a sinking fund for their payment,

Denominations.

and shall include such other matters of law or fact as the Mayor and Aldermen of said cities shall determine to be essential to protect the respective interests of said cities and the purchasers of said bonds, and said bonds shall be sold by the Mayor and Finance Committee of said cities.

SEC. 3. *Be it further enacted*, That the bonds provided for and issued under this Act shall in no case be sold for less than par, and the coupons attached thereto shall at maturity be received by the Mayor and Aldermen of said cities for all taxes due said cities, except sinking-fund taxes levied for the retirement of these or any other bonds issued by said cities, and except for school taxes.

SEC. 4. *Be it further enacted*, That as soon as the bonds herein authorized or any portion thereof shall have been issued hereunder the Mayor and Aldermen of said cities shall provide by ordinance a sinking fund wherewith to retire said bonds, and the said fund shall be used exclusively for sinking-fund purposes, and be sufficient, with its accumulations, as nearly as may be estimated, to meet and retire the principal indebtedness at maturity, and said sinking fund shall be intrusted to the management of the Sinking Fund Commissioners now existing in said cities or who may hereafter be appointed from time to time.

SEC. 5. *Be it further enacted*, That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 8, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 120.

### HOUSE BILL No. 283.

(By Messrs. Harper and McWhirter.)

AN ACT to authorize the corporation of the city of Martin, in Weakley County, to issue bonds for the purpose of graveling the streets of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the municipal corporation of the city of Martin, in Weakley County, Tenn., through its City Council, is hereby authorized and empowered to issue coupon bonds of said corporation to an amount not to exceed thirty thousand dollars, to be applied or appropriated to the grading and graveling of the streets of said city.

SEC. 2. *Be it further enacted*, That said bonds shall be in denominations of five hundred dollars each, with coupons attached for annual or semiannual interest, as may be provided by ordinance of the Board of Mayor and Aldermen of said city in the issuance of said bonds; and they shall bear a rate of interest not exceeding six per cent per annum, and shall run for a term of not more than twenty-five years, and may be redeemable at any time after five years, if it is so provided in the bonds; and said bonds shall not be sold for less than their face value.

SEC. 3. *Be it further enacted*, That before any bonds are issued under this authority, the Mayor and Board of Aldermen of said city shall order an election held by the qualified voters of the corporation, on thirty days' notice published in a newspaper in said city of Martin, to ascertain the will of said voters in reference to the issuance of said bonds for said purpose. Said notice shall fully disclose and set forth the amount of the bonds to be issued, the length of time they are to run, the rate of interest, and the purpose for which they are to be used, said election to be held as provided by law for the election of the officers of said city of Martin and under the same restrictions and limitations, and all persons qualified to vote in regular city elections for city

Denominations.

Election to be held.

officers shall be allowed to vote in said election, and no bonds shall be issued under said proposition unless a majority of the votes cast in said election shall be in favor of said proposition; *provided*, that the defeat of the proposition shall not preclude its re-submission after a term of twelve months from the time of the election at which it is defeated, the bonds and coupons to be signed by the Mayor and countersigned by the Recorder, and the bonds shall bear the official seal of the corporation. When any bonds are issued hereunder, the Mayor and Aldermen shall have the power to pass and enforce any and all ordinances necessary to effectuate and carry out the purposes for which said bonds are issued, and may create any and all necessary boards and commissioners, and pass ordinances regulating their actions and duties. Whenever any bonds are issued under this Act, the Mayor and Aldermen shall annually levy a tax upon all the taxable property and privileges within the corporate limits of said city of a sufficient amount for paying the interest on said bonds and creating a sinking fund to liquidate the same when they become due.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 15, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 121.

### HOUSE BILL No. 398.

(By Mr. Reeves.)

AN ACT to authorize the Board of Mayor and Aldermen of the city of Johnson City, Tenn., to acquire, own, and operate a system of waterworks for said city and territory adjacent thereto, either by construction or purchase and extension or otherwise; and for said purpose or purposes to issue interest-bearing coupon bonds to an amount not exceeding \$500,000, and by ordinance to make all necessary and proper rules and regulations for the operation of said waterworks system in and for said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for the Board of Mayor and Aldermen of the city of Johnson City to acquire, own, and operate a system of waterworks for said city and adjacent territory, either by purchase and extension or by construction or otherwise, and for said purpose or purposes it is authorized to issue its interest-bearing coupon bonds to an amount not exceeding \$500,000 in the manner and form and under the restrictions hereinafter provided.

SEC. 2. *Be it further enacted*, That said bonds shall be issued under such rules, regulations, and restrictions as may hereafter be provided by ordinance by the Board of Mayor and Aldermen of said city. Said bonds shall be issued in the denomination of \$1,000 each, and shall bear a rate of interest to be hereafter fixed by ordinance, not, however, exceeding five and one-half ( $5\frac{1}{2}$ ) per centum per annum, and said interest shall be payable semiannually, and shall be represented by coupons attached to said bonds. The dates of said bonds and the date of payment of said several coupons shall also be fixed by ordinance. Said bonds shall not run for a period longer than thirty (30) years, and shall be known as the "Waterworks Bonds of the City of Johnson City," and shall not be sold for less than par. No commission whatever shall be allowed for the sale of said bonds.

Denomination  
of bonds.

Proceeds of.

SEC. 3. *Be it further enacted*, That the proceeds of said bonds, when paid into said city treasury, shall be kept and preserved as a separate and distinct fund, to be used exclusively in the construction or purchase and extension of a system of waterworks for said city and adjacent territory. Said bonds and all coupons attached to said bonds shall, at maturity, be, and remain until fully paid, a lien upon said waterworks property, appurtenances, rights, franchises, and privileges acquired by the corporate authorities of said municipality. Said lien shall include and extend to all improvements, extensions, and additions which the corporate authorities of said city may make, and shall be in addition to the corporate liability, which is primary for the payment of each and all of said bonds. Said bonds and coupons thereto attached shall be exempt from municipal taxation. The lien hereby declared shall be further evidenced by the execution of mortgage upon said waterworks system or plant.

SEC. 4. *Be it further enacted*, That said Board of Mayor and Aldermen and city officials of whatever name or character are hereby prohibited from having any interest, direct or indirect, in any contract in anywise relating to the construction, purchase, and extension and operation of said waterworks, and are also prohibited from awarding contracts for the construction, operation, improvement, or repair of said waterworks, or for any materials used in the construction, extension, or operation of said water plant to any person or persons related to them, or any of them, or to any member or members of their body, within the fourth degree, either by affinity or consanguinity.

Supervision—  
construction  
of.

SEC. 5. *Be it further enacted*, That the entire work of supervision of the construction, purchase, and extension and operation and maintenance of said system of waterworks shall be vested in the Board of Mayor and Aldermen of the said city of Johnson City; but it shall be lawful for said city to employ such subordinate officers, agents, employees, etc., as may be necessary to transact the business necessarily connected with the construction or purchase and extension and operation of said waterworks system, and to delegate to such subordinate officers, agents, employees, etc., as may be employed from time to

time in the construction or purchase and extension and operation of said waterworks plant any business connected therewith, but they shall not have the right or authority to make any contracts binding upon said city, except and unless they are authorized and directed to do so by ordinance of said city duly and regularly passed; and in case of the employment of said subordinate officers, agents, employees, etc., from time to time, their compensation must be fixed by ordinance or ordinances, authorizing their election or appointment, and such salaries, compensation, etc., so authorized by said ordinance or ordinances shall be paid out of the revenue belonging to said waterworks system as hereinafter provided.

SEC. 6. *Be it further enacted*, That the Board of Mayor and Aldermen of the city of Johnson City may obtain from the Watauga Water Company and from the Johnson City Water Company, from either or from both, or from any other company or corporation, either private or municipal, a written proposition for the sale of its or their plants or waterworks systems, if it desires, or they desire to sell the same to the city of Johnson City, giving price, terms of payment, etc.; and said city of Johnson City is also authorized and empowered to secure plans and specifications for a complete waterworks system for the said city of Johnson City, showing in detail, as far as practicable:

To negotiate  
for water-  
works.

1. The plan and cost of such complete waterworks system, made upon the basis of the improvement and extension of any waterworks system or plant offered to the city as above provided; the cost of improvement and extension according to such plans and specifications, to be in addition to the cost of or price put upon said waterworks system or plant by the owner or owners who shall or may offer the same to the city, and the two to constitute the whole cost to the city of Johnson City of the waterworks system so proposed, in the event the city may elect as hereinbefore provided to thus acquire its waterworks system or plant.

2. The plan and cost of such complete waterworks system, made upon the basis of the construction by the city of such system from the sources of water supply, for domestic, manufacturing, and other pur-

Election—held  
when.

poses, as the city may be able to acquire by purchase or condemnation, or by both purchase and condemnation, which shall constitute the whole cost to the city of Johnson City of the waterworks system or plant so proposed, in the event the city may elect as hereinafter provided, to thus acquire its waterworks system or plant. The said city of Johnson City shall not have the right or authority to purchase said waterworks plant or system or extend the same, or to construct a new system, or to incur any expense in any of said matters, looking either to the purchase and extension and improvement of a new system so proposed until after an election has been held, and the one or the other of said propositions adopted by a vote, as hereinafter provided.

SEC. 7. *Be it further enacted*, That an election shall be held in the city of Johnson City after advertising for thirty (30) days in one or more newspapers published in said city the date and object of said election, at which election all persons legally qualified to vote for Mayor and Aldermen of said city shall be qualified to vote on any of the propositions herein provided to be submitted to the vote of the people.

The following propositions shall be submitted to the vote of the people at said election:

1. Whether or not the Board of Mayor and Aldermen of the city of Johnson City shall be authorized and empowered, for the purposes named in Section 1 of this Act, to issue an amount of interest-bearing coupon bonds, not exceeding \$500,000, shown by the plans and specifications and estimates herein required to be obtained, necessary to enable it to acquire, own, and put in operation its own system of waterworks for the purpose of supplying Johnson City and the inhabitants thereof and adjacent territory with water for domestic, manufacturing, and other corporate purposes.

2. Whether or not the Board of Mayor and Aldermen shall purchase, improve, and extend or enlarge any waterworks system or plant which may be offered for sale to it by the owners thereof at the cost as shown by the plans and specifications and estimates made as provided in Section 6 above, showing the cost to the city of the complete system so purchased, improved, and extended. This proposition to be submitted in the event any offer of sale



is made to the city, deemed reasonable by the Board, as above provided, otherwise the submission to the vote of the people will be of the other propositions herein provided for.

3. Whether or not the city shall construct a new waterworks system or plant upon the basis of the construction by the city of such system from such sources of water supply for domestic, manufacturing, and other purposes, as the city may be able to acquire by purchase or condemnation, or by both purchase and condemnation, at the cost, as shown by the plans and specifications and estimates, made as provided in Section 6 above, showing the probable cost to the city of the complete system so constructed upon this basis.

Propositions 2 and 3 shall be both submitted at the same time, and along with proposition No. 1, in the event proposition No. 2 becomes necessary to be submitted by reason of an offer as aforesaid for sale to the city being made in writing, in binding form, by the owners or owner of any existing waterworks system or plant as above provided, in which event the proposition No. 2 or No. 3, receiving the majority of the votes cast at said election, determined as hereinafter provided, shall be deemed to have been carried by the vote of the people, and shall be adopted and executed by the Board of Mayor and Aldermen on the part of the city of Johnson City, for the purpose of accomplishing the object set forth in Section 1 of this Act.

In the event proposition No. 2 shall not be submitted, for reason that no person or company offers for sale an existing plant or system as aforesaid, then proposition No. 3 shall be submitted along with proposition No. 1, and the majority of the vote obtained, as hereinafter provided, upon any of the propositions so submitted shall be binding upon the Board of Mayor and Aldermen of the city of Johnson City.

The persons authorized by law to hold an election in said city of Johnson City for the purpose of electing Mayor and Aldermen of said city of Johnson City, in existence at the time any vote shall be taken, are hereby authorized to hold the election herein provided for, and such authorities are hereby authorized and required to prepare ballots to be used

and voted at such election, on which there shall be printed the following:

Form of ballot.

“Vote for One: ‘For Waterworks Bonds;’ ‘Against Waterworks Bonds.’” “Vote for One: ‘For Purchase, Improvement, and Extension of Existing Waterworks;’ ‘Against Purchase, Improvement, and Extension of Existing Waterworks.’” “Vote for One: ‘For Construction of New Waterworks;’ ‘Against Construction of New Waterworks.’”

At said election those who favor the issuance of bonds shall place a cross (X) mark opposite the words “For Waterworks Bonds,” and those who oppose the issuance of bonds shall place a cross (X) mark opposite the words “Against Waterworks Bonds.” Those who favor the purchase, improvement, and extension of existing waterworks shall place a cross (X) mark opposite the words “For Purchase, Improvement, and Extension of Existing Waterworks,” and those who oppose the purchase, improvement, and extension of existing waterworks shall place a cross (X) mark opposite the words “Against Purchase, Improvement, and Extension of Existing Waterworks.” Those who favor the construction of new waterworks shall place a cross (X) mark opposite the words “For Construction of New Waterworks,” and those who oppose the construction of new waterworks shall place a cross (X) mark opposite the words “Against Construction of New Waterworks.”

SEC. 8. *Be it further enacted*, That it shall be the duty of the Board of Mayor and Aldermen of said city, when it shall be ascertained that a majority of all those voting on the question of the issuance of bonds have voted in favor thereof, to declare the result by ordinance; and in that event, and in no other, to cause said bonds to be issued as provided herein, and cause the same to be converted into cash under such rules and restrictions as it shall deem necessary to provide by ordinance. But said Board of Mayor and Aldermen of the city of Johnson City shall have no power or authority, either expressed or implied, to issue or to sell and convert said bonds into cash until after a contract for the construction or the purchase, improvement, and extension of waterworks shall have been lawfully made and con-

cluded with good and solvent person or persons, corporation or corporations, who shall guarantee performance on their part of such contract by the execution of bond to the city of Johnson City in amount to be fixed by the Board of Mayor and Aldermen of said city.

SEC. 9. *Be it further enacted*, That the Board of Mayor and Aldermen of the city of Johnson City shall canvass the returns of said election, and shall also declare by ordinance the result of said election, when the same is ascertained, on the question of the construction of new waterworks, or the purchase, improvement, and extension of existing waterworks, and shall cause to be carried into effect the will of the people as expressed at said election. To canvass  
returns.

If a majority of the votes cast and voting on the proposition for the issuance of said bonds shall be in favor of the issuance of bonds, as herein provided, then the Board of Mayor and Aldermen shall, as required above, so declare, and it shall be valid and binding as provided in Section 8 above.

If a majority of the votes cast and voting on the two propositions—the one for construction of new waterworks, the other for purchase, improvement, and extension of existing waterworks, as hereinbefore declared—shall be in favor of one of the two said propositions, then the Board of Mayor and Aldermen of said city shall so declare, and it shall be valid and binding. If, under the provisions of this Act, the proposition for construction of new waterworks shall be submitted without the proposition for purchase, improvement, and extension of existing waterworks, then, if a majority of the votes cast and voting on that proposition shall be in favor of the construction of new waterworks, the Board of Mayor and Aldermen shall so declare, and it shall be valid and binding on said city.

SEC. 10. *Be it further enacted*, That said election shall be held in the manner and by the authorities hereinbefore provided, and the returns shall be duly certified to the Board of Mayor and Aldermen of said city; *provided, also*, that there shall be returned to said Board of Mayor and Aldermen all the ballots voted at said election, together with one set of poll books and one set of tally sheets, the remaining poll books and tally sheets to be filed in the office of Election—how  
held.

Commissioner of Elections of Washington County; or if there shall be no such officer and office, then in the office of the Clerk of the County Court of said Washington County, to be held subject to the inspection of any citizen of said city; *provided, further*, that after one election has been held under this Act, one or more subsequent election may be held under this same Act, but no election shall be held until the expiration of six months after a previous election.

To fix water rates.

SEC. 11. *Be it further enacted*, That the Board of Mayor and Aldermen of said city shall have full power and authority, by ordinance, to make and enforce reasonable rules and regulations, and to fix water rates, tolls, or the price for the use of water, and may for said purposes enter upon the premises where water is used, or desired to be used, for the purposes of inspection, repairs, or other work, in introducing or regulating the use of water, or where water is to be cut off on account of nonpayment of water rents or for any other reason whatever; and it shall have full power and authority to collect and enforce collection of all moneys due for the use of water or arising out of the operation of said plant; and in case of failure to pay water rents, to cut off the supply and discontinue the furnishing of water until all arrearages are paid, and until all expenses for cutting off and turning on water shall have been paid. Said city shall have the power to grant the use of water free of charge to persons or parties who are objects of charity and to charitable institutions.

SEC. 12. *Be it further enacted*, That the City Commissioner of Johnson City shall submit to the Board of Mayor and Aldermen full and complete detailed statements of the condition of said waterworks system, showing the receipts and disbursements, the items of expense, salaries of employees, improvements, extensions, alterations, and other things, with such recommendations as may to him seem best and proper for the improvement, extension, and betterment of said waterworks system when called for by the City Council or when required by ordinance. He shall also make an annual statement to the City Council at its meeting in January of each and every year, containing a full, complete, and exhaustive re-

port of its financial condition at that date, and also a report as to such alterations, improvements, extensions, and additions as may seem necessary and for the best interest of the city, with an estimate of the cost of same. There shall also be made a statement by the Board of Mayor and Aldermen when the said waterworks system, acquired as herein provided, shall be put in operation, an itemized statement of the cost of the same, by items, giving the amount of each item and to whom paid in the acquirement of said waterworks system. The reports made from time to time under the provisions of this Act by the City Commissioner and as herein provided by the Board of Mayor and Aldermen, when said waterworks system is ready to be put into operation, shall be published in detail in one or more of the newspapers published in Johnson City.

SEC. 13. *Be it further enacted*, That the proceeds derived from the sale of said bonds hereinbefore provided for shall be kept as a separate fund, and shall be known as the "Waterworks Fund," and the receipts and income derived from the operation of said waterworks system shall be put into said waterworks fund and kept separate from the balance of the funds of said city, and out of the receipts or income derived from said waterworks system shall be first set apart sufficient amount from time to time to pay the interest coupons due or next becoming due, and said amounts so set apart shall be applied in payment of said interest coupons then due or next falling due, and after the payment of interest coupons the balance of receipts or income derived from said waterworks system shall be used in payment of operating expenses, extensions, and improvements, as the Board of Mayor and Aldermen may determine; *provided, however*, that by the Board of Mayor and Aldermen a sinking fund may be created for the purpose of finally liquidating and satisfying said waterworks bonds; and in case a sinking fund is created, the Board of Mayor and Aldermen of said city is given the right to anticipate payment of said bonds at the option of the holder or holders of the same.

Waterworks  
fund.

SEC. 14. *Be it further enacted*, That when said bonds are signed by the Mayor, in the corporate name, and attested by the Recorder, and signed with

corporate seal of the said city of Johnson City and delivered, it shall be conclusively presumed in favor of any holder of said bonds that all the provisions and requirements of this Act have been complied with.

SEC. 15. *Be it further enacted*, That all laws and parts of laws in conflict with this Act, and especially the Act of 1907, Chapter 191 of the General Assembly of the State of Tennessee, are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 16, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 19, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

CHAPTER 122.

SENATE BILL No. 77.

(By Mr. Turner.)

AN ACT to repeal the charter of the town of Erin, in Houston County, Tenn.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the town of Erin, in the county of Houston, State of Tennessee, issued and granted under the general law be, and the same is, repealed and abolished.

SEC. 2. *Be it further enacted*, That this Act take effect from and after the first day of April, 1909, the public welfare requiring it.

Passed February 18, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 25, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

## CHAPTER 123.

### SENATE BILL No. 124.

(By Mr. Lane.)

AN ACT to amend an Act entitled An Act to enable and authorize any county in Tennessee having a population of not less than twenty-six thousand four hundred and twenty-four and more than twenty-six thousand four hundred and thirty, under the Federal census of 1900 or any subsequent Federal census, through or by its County Court, to levy a special tax for the construction and keeping up of the public roads in such counties, and to provide for the disbursement of such fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 3 of Chapter 517 of the Acts of the General Assembly of 1907 be amended as follows: By inserting after the words "special fund" the following words: "And shall by him be apportioned among the several districts of the counties in the same ratio as collected."

SEC. 2. *Be it further enacted*, That Sections 4 and 5 of said Act be amended by striking out all the words in said section after the words "Be it further enacted" and inserting the words: "The District Road Commissioners elected under the general road law shall be and act as special Road Commissioners for the districts of such counties, and shall hold their office for the term of two years and until their successors are elected and qualified."

SEC. 3. *Be it further enacted*, That Sections 6 and 7 of said Act be amended by striking out the words: "Two-thirds vote of its members voting in the affirmative."

SEC. 4. *Be it further enacted*, That this Act shall



take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 124.

### SENATE BILL No. 151.

(By Mr. Neal.)

AN ACT to be entitled "An Act to confer police powers and authority upon the Factory Inspector, to enable him to enforce all labor laws of the State of Tennessee, with the exception of mining laws, and to make arrests for the violation of such laws, and in the same manner as such arrests may be made by officers of the State invested with authority to make arrests for the violation of the laws of the State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That police powers and authority are hereby conferred upon and vested in the Factory Inspector, and he shall have full power and authority to enforce all the labor laws of the State, with the exception of the mining laws, by making arrests for the violation of such laws in the same manner as officers of the State empowered by law to make arrests for violation of the laws of the State now have and possess.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 125.

### SENATE BILL No. 156.

(By Mr. Sells.)

AN ACT to amend Chapter 210 of the Acts of the General Assembly of the State of Tennessee, passed at its general session of 1897, entitled "An Act to amend the charter of the town of Johnson City, in the County of Washington, and to embrace all of said charter in one Act."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act entitled "An Act to amend the charter of the town of Johnson City, in the county of Washington, and to embrace all of said charter in one Act," being Chapter 210 of the Acts of 1897, be amended hereby so as to read as follows—to wit:

## ARTICLE I.

### CORPORATE NAME AND BOUNDARIES.

SECTION 1. *Be it further enacted*, That the inhabitants of the town of Johnson City, in the county of Washington, and State of Tennessee, be, and they are, hereby constituted a body politic and corporate under the name and style of the "City of Johnson City," and under that name shall have the rights, privileges, and powers in the succeeding sections of this Act set forth.

SEC. 2. *Be it further enacted*, That the corporate boundaries of the city of Johnson City shall be as follows—to wit: Beginning at a point in the center of the main track of the Southern Railway Company, southwesterly from the center of the corporate limits of the city of Johnson City as fixed in Chapter 20 of the Acts of 1887, and one mile therefrom, measured in an air line; thence south 47 degrees east one mile to a planted stone; thence north 39 degrees and forty-five minutes east seventeen thousand one hundred and sixty feet to a stake; thence north 40 degrees and forty-five minutes west six thousand five

hundred and twenty feet to Ruth King's corner; thence continuing same course one mile to a stake; thence south 36 degrees and fifteen minutes west eighteen thousand five hundred and fifty feet to a stake; thence south 47 degrees east one mile to the point of beginning.

Wards of.

SEC. 3. *Be it further enacted*, That the city of Johnson City shall be divided into two wards, as follows: All that portion of the city lying south and east of the main track of the Southern Railway Company, as now existing, shall constitute the First Ward, and all that portion of the city lying north and west of said track, as now existing, shall constitute the Second Ward.

SEC. 4. *Be it further enacted*, That the said city of Johnson City shall possess, and is hereby given and endowed with, the following corporate powers and authority—to wit:

Powers of.

To have perpetual succession; to sue and be sued; to plead and be impleaded, defend and be defended, in any and all courts of law and equity in all actions whatsoever, except as otherwise provided by the general laws of the land or by this Act; to contract and be contracted with; to have, make, and use a common seal, which it may alter at pleasure; to acquire and hold by gift, devise, purchase, or condemnation proceedings lands and other property for public use and for the corporate purposes of said city, either within the corporate limits of said city or beyond the boundaries thereof, for waterworks to supply the city and its inhabitants with water; for gas works and plants for the purpose of supplying the city and its inhabitants with light, heat, or power or any of them; for public parks, cemeteries, penal or charitable institutions, or any of them; for hospitals, rights of way for sewers, conduits, pipe lines, pole lines, viaducts, bridges, tunnels, subways, or for the exercise of the powers herein granted or that may hereafter be granted, or for any other public purpose.

That it may take, hold, use, and improve any property—real, personal, or mixed—either within or without the city limits, that it may acquire by purchase, gift, devise, bequest, or otherwise, for any charitable use or educational, benevolent, or public purpose whatsoever, and may do all acts necessary

to carry out the purpose of said gifts, bequests, or devises, and may sell, lease, or dispose of any property—real, personal, or mixed—of the city, and any contract rights of the city, subject to the restrictions imposed by this charter or by the Constitution and laws of the State; also that it may establish and maintain public schools, public libraries, reading rooms, and penal and charitable institutions.

That it may exercise all municipal powers necessary or which may be deemed expedient for the complete and efficient management and control of the municipal property and administration of the municipal government, and necessary to maintain the public peace, protect property, and promote the public welfare and preserve the health of the inhabitants of the city, whether such powers be expressly enumerated herein or not; and may have and exercise within the city limits and for one mile outside thereof police powers, subject to the limitations prescribed by the Constitution and laws of the State and of the United States.

## ARTICLE II.

### OFFICERS AND ELECTIONS.

**SECTION 1.** *Be it further enacted,* That the municipal government of the city of Johnson City shall be, as herein provided, vested in a Board of Mayor and Aldermen, to be elected by the qualified voters of said city, and such other officers and agents as may be appointed or elected by said Board, who shall be citizens of the United States and of the State of Tennessee. No person shall be eligible to election as Mayor or Alderman unless he has resided in said city for two years next preceding his election. The said Mayor and Aldermen shall be elected as hereinafter prescribed. No person shall be eligible to election as Alderman unless he has resided in the ward from which he is elected for six months continuously before his election, and he shall continue to reside in said ward during his term of office. In the event an Alderman shall remove from his said ward, or if any officer of the city, whether elected by the people or by the Board of Mayor and

Aldermen, shall remove from the city, the office of said Alderman so moving out of his ward, and of any official removing from the city, shall immediately become vacant, and the Board of Mayor and Aldermen shall elect some suitable person to fill the office so made vacant.

SEC. 2. *Be it further enacted*, That on the third Wednesday in June, 1910, an election shall be held in the city of Johnson City for the election of four Aldermen, two from each ward, to succeed the four of the present Aldermen, whose terms will expire under existing laws on the first Wednesday in December, 1909; but the four Aldermen, whose terms of office expire as aforesaid, shall continue in office till the first Wednesday in July, 1910, and until their successors are elected and qualified. On the third Wednesday in June of every second year thereafter such an election shall be held for the election of four Aldermen, two from each ward, for a term of two years.

Election—  
when held.

SEC. 3. *Be it further enacted*, That on the third Wednesday in June, 1911, an election shall be held in the city of Johnson City for the election of a Mayor and four Aldermen, two from each ward, for a term of two years, to succeed the present Mayor and four Aldermen, whose terms of office expire under existing laws on the first Wednesday in December, 1910; but the Mayor and Aldermen, whose terms of office expire as aforesaid, shall continue in office till the first Wednesday in July, 1911, and until their successors are elected and qualified. On the third Wednesday in June of every second year thereafter such an election shall be held for the election of a Mayor and four Aldermen for a term of two years; *provided, however*, that the Mayor and Aldermen shall be elected by the qualified voters of the whole city: *provided, further*, that when the city shall have reached a population of not less than fifteen thousand under any future Federal census, the number of Aldermen shall be increased at the election following, so as to make the whole number of Aldermen amount to twelve instead of eight, as the Board is at present constituted, six of said Aldermen to be taken from each ward; but of the four additional Aldermen thus provided for two, one from each ward, shall be elected to serve for one year, after

which all Aldermen shall be chosen for a term of two years as hereinbefore provided.

SEC. 4. *Be it further enacted*, That all city elections, whether for the election of Mayor and Aldermen or upon any other proposition which may by law be submitted to the vote of the citizens of the city, shall be held under the same provisions of law under which elections are prescribed to be held for the officials of Washington County, after twenty days' advertisement of same, and at the precincts prescribed for county elections; *provided, however*, that if there be no provision in the general laws of the State under which such elections may be held, they shall be held by the Chief of Police of the city, under rules and regulations prescribed by the Board of Mayor and Aldermen, after twenty days' notice as aforesaid. The poll lists and tally sheets shall be returned to the Board of Mayor and Aldermen at or before 9 o'clock A.M. on the first Saturday succeeding the election, at which time, or as soon thereafter as a quorum for the transaction of business is obtained, said Board shall meet in regular session and canvass the vote, and by resolution declare the result, causing certificates of election to issue under the seal of the corporation, signed by the Mayor or Mayor pro tempore and countersigned by the Recorder.

SEC. 5. *Be it further enacted*, That all persons who are qualified to vote for members of the General Assembly of the State and who have been actual bona fide residents and citizens of the city for ninety days prior to the election shall be entitled to vote in all municipal elections.

SEC. 6. *Be it further enacted*, That said officials so elected shall hold their offices for two years from the first Wednesday in July of the year in which elected, and until their respective successors are elected and qualified, unless their term of office is sooner terminated by death, resignation, or legal removal, for misfeasance, malfeasance, or nonfeasance in office. Term of office.

SEC. 7. *Be it further enacted*, That if there should be a vacancy in the office of Alderman, a majority of the Board of Mayor and Aldermen may supply the same by the election of some qualified elector residing in the ward as to which the vacancy exists. In

the event there is a vacancy in the office of Mayor, a majority of the Aldermen shall elect one of their number to that office. Any person so elected to fill a vacancy shall hold office until the next regular election, and until his successor is elected and qualified.

Recorder and  
City Attorney.

SEC. 8. *Be it further enacted*, That on the first Wednesday in July, 1911, and on the same day of every second year thereafter the Board of Mayor and Aldermen shall elect a Recorder and a City Attorney, whose terms of office shall be two years, and until their successors are elected and qualified; but the Recorder and City Attorney, whose terms of office expire, under the existing laws, on the first Wednesday in December, 1910, shall continue in office until the first Wednesday in July, 1911, and until their successors are elected and qualified. Before entering upon the discharge of his duties, the Recorder shall give bond in such an amount and on such terms as may be determined by the Board of Mayor and Aldermen.

Chief of Police.

SEC. 9. *Be it further enacted*, That the Board of Mayor and Aldermen may elect a Chief of Police and as many assistant policemen as said Board may deem necessary for such terms of office and under such rules and regulations as may be prescribed by said Board.

SEC. 10. *Be it further enacted*, That every officer of the city shall, before entering upon the discharge of the duties of his office, take an oath before some Justice of the Peace of Washington County to faithfully and honestly discharge the duties incumbent upon him to the best of his ability. Such oaths shall be in writing and filed in the office of the Recorder, except that of the Recorder, which, together with the Recorder's bond, shall be filed with the Mayor.

SEC. 11. *Be it further enacted*, That the compensation of all officials elected by the Board of Mayor and Aldermen shall be fixed by said Board before the election of said officials, which compensation shall not be changed during their terms of office; *provided, however*, that the salary of the Recorder now in office shall be placed at twelve hundred dollars per annum, and shall not be placed at an amount exceeding that sum for the next four years succeeding the expiration of his present term of office, after which it may be changed in the discretion of the



Board, not in excess, however, of fifteen hundred dollars; and that the salary of the present City Attorney shall be fixed at three hundred dollars per annum, and shall not be placed at an amount exceeding that sum for the next four years succeeding the expiration of his present term of office, after which it may be changed in the discretion of the said Board of Mayor and Aldermen, not to exceed, however, five hundred dollars.

SEC. 12. *Be it further enacted*, That the Board of Mayor and Aldermen may require a bond or bonds of any officer elected by said Board, and fix upon the amount and terms thereof, and such bonds shall be required of any and all officers charged with the collection or disbursement of city revenues. Bonds  
required.

SEC. 13. *Be it further enacted*, That the Board of Mayor and Aldermen shall elect some competent man and delegate to him the entire control and management of the city's executive and administrative affairs in its various departments, except as otherwise provided in this Act, subject, however, to the control of the Board of Mayor and Aldermen. This officer shall be designated as the "City Commissioner," or by such other term as said Board may determine. Except in the case of the first election, under an ordinance of the Board establishing the office and defining the duties of the officer, under which election he shall hold his office until the next general election of officers by said Board, and until his successor is elected by the Board at its meeting on the first Wednesday in July, and he shall hold his office for one year, and until his successor is elected and qualified; *provided, however*, that said Board of Mayor and Aldermen shall have the power at any time, by a majority vote of the whole Board, to remove said officer from said office; and, upon such removal, he shall be entitled to receive only the pro rata amount of his salary that may remain unpaid at the date of such removal. In case said office shall become vacant by death, removal, or other cause, the said Board shall elect a successor to fill out the unexpired term of said officer. Said officer shall be a citizen of the State of Tennessee, shall have resided in the city of Johnson City for at least six months before his election, and shall continue to reside therein during his term of office. No member of the City Commis-  
sioner.

Board of Mayor and Aldermen or other city official shall be eligible for election to said office; *provided*, that the Board may, in its discretion, elect the same person to fill said office and the office of City Engineer. Said officer shall devote his entire time and attention to the various departments of the city's business and to the duties of his office, and he shall not be engaged or interested in any business or calling, either directly or indirectly, that may conflict with the interests of the city or with the duties of his office. He shall be paid a salary of not more than eighteen hundred dollars per annum, payable monthly. Such officer shall, before entering upon the duties of his office, execute a bond to the said city of Johnson City, conditioned for the faithful performance of the duties of his office; *provided, however*, that such bond shall not be in a sum less than five thousand dollars. The Board may, in its discretion, employ a clerk for said office at a salary to be fixed by the Board; *provided*, that said Clerk shall, if required by the Board by resolution, perform the duties of a Clerk in said office, in the Recorder's office, or in any other department of the city's business fixed upon in said resolution.

### ARTICLE III.

#### LEGISLATIVE DEPARTMENT.

SEC. 1. *Be it further enacted*, That the legislative powers of the city of Johnson City shall be vested in the Board of Mayor and Aldermen, consisting of a Mayor and eight Aldermen, to be elected as provided in Article II. herein.

Meetings,

SEC. 2. *Be it further enacted*, That the Board of Mayor and Aldermen shall by ordinance fix the times at which the regular meetings of said Board shall be held. Until otherwise provided by ordinance, the regular meetings of said Board shall be held at 7 o'clock P.M., on the first and third Thursdays of each month. Whenever, in the opinion of the Mayor, the welfare of the city demands it, he shall call special meetings of the Board of Mayor and Aldermen by a written call, which shall be served by a member of the police corps upon each Alderman then

in the city of Johnson City, and said policeman shall make return, over his signature, showing the names of the Aldermen served, with a statement that he has served said call upon those named in his return. Said call shall specify the purposes of said meeting, and, together with the officer's return, shall be spread upon the minutes of the meeting, and the business of such meeting shall be restricted to the objects so stated. If at any time, in the opinion of any four of the Aldermen, the welfare of the city demands that a special meeting be called, and the Mayor be absent from the city or unable for any reason to call such meeting, or shall refuse to call same, the Recorder shall, upon the written request of four Aldermen, call such meeting in the manner and form hereinbefore provided. Such meeting shall be called to order by the Recorder, and the Aldermen present shall proceed to elect one of their number Mayor pro tempore, who shall be vested for the time with the same power as the Mayor, but shall not act as an Alderman. If the Mayor is absent from any meeting of the Board, it shall be the duty of the Recorder to call the meeting to order, and the Aldermen proceed to elect a Mayor pro tempore, who shall act as Mayor for the time in the same manner as above provided for special meetings called by the Recorder.

SEC. 3. *Be it further enacted*, That a majority of Quorum. the members of the Board of Aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and, under an ordinance for that purpose, may compel the attendance of absent members by fines and penalties.

SEC. 4. *Be it further enacted*, That the Board of Board to make rules. Mayor and Aldermen may determine its own rules of procedure, except as herein provided, and prescribe the punishment of members or other persons for disorderly conduct during the meetings of the Board, and enforce the same; and the Mayor shall have power to direct that any person, not a member of the Board, who shall be guilty of such boisterous or disorderly conduct as to disturb the sessions of the Board, be ejected from the room where such meetings are held, and for that purpose the Mayor may call to his aid any member of the police corps.

and as many other persons as he may deem necessary, and the Board may by ordinance provide proper penalties for the refusal of any person to obey the orders of the Mayor when so summoned by him.

SEC. 5. *Be it further enacted*, That after the expiration of their present terms of office, the Aldermen shall serve without salary, except the Chairman of the Finance Committee, whose salary shall be one hundred dollars per annum; *provided, however*, that a sum not in excess of two dollars for attendance at and during each regular meeting of the Board of Mayor and Aldermen may be allowed each Alderman, not to exceed forty-eight dollars per annum to each Alderman. The salary of the Mayor shall be three hundred dollars per annum during his present term of office and for the four years succeeding the same; after which it may be increased by the Board of Mayor and Aldermen, but not to exceed six hundred dollars per annum.

Ordinance  
book.

SEC. 6. *Be it further enacted*, That all ordinances of the city of Johnson City and full and complete records of the proceedings of the Board of Mayor and Aldermen shall be kept by the Recorder. The Recorder shall keep a separate book, called "Ordinance Book," in which shall be recorded all the ordinances passed by the Board. The vote shall not be taken upon any ordinance, resolution, or motion, except a motion to adjourn, unless the same be reduced to writing.

Form of  
ordinances.

SEC. 7. *Be it further enacted*, That all ordinances of the city of Johnson City shall begin with an enacting clause, as follows—to wit: "Be it ordained by the Board of Mayor and Aldermen of the city of Johnson City," and shall conclude with the provision, as follows—to wit: "This ordinance shall take effect from and after its passage, the welfare of the city demanding it;" but this section shall not be so construed as to prevent the Board of Mayor and Aldermen substituting such time as they may desire in the concluding clause instead of the words, "from and after its passage." No ordinance shall become a law until it shall have been passed on three different days, and shall have received, on its final passage, the assent of a majority of the entire Board of Mayor and Aldermen.

SEC. 8. *Be it further enacted*, That all records of

the city of Johnson City are hereby declared to be public records, and open, under rules and regulations to be prescribed by the Board of Mayor and Aldermen or by the courts, to inspection by the public. Any member of said Board shall, at all times, for the purpose of inspection, have free access to the books, papers, and records of the city in all public offices, and any committee appointed by said Board, whether composed of its members or of others appointed by said Board, may investigate the transactions and accounts of all officers having the collection, custody, or disbursement of the public money, or having power to approve, allow, or audit demands on the treasury, and any such committee making such investigations or investigating any matter that may be lawfully referred to it by said Board shall have the power to summon witnesses and compel their attendance before them by subpoena, and shall have the power to administer oaths and affirmations and to examine said witnesses, and any person appearing before any such committee shall have the right to be represented by counsel.

## ARTICLE IV.

### POWERS OF BOARD OF MAYOR AND ALDERMEN.

SECTION 1. *Be it further enacted*, That the Board of Mayor and Aldermen shall have control of the finances of the city, and all the property of the corporation—real, personal, and mixed—and shall have the power by ordinance:

1. To levy and collect taxes upon all property, privileges, and polls in the city of Johnson City taxable under the laws of the State of Tennessee.

2. To license, tax, and regulate all lawful occupations, privileges, business places, amusements, and places of amusement declared to be privileges by the law of the State, and to fix the rate of charge for the carriage of persons and property within the city, and to the public works, parks, property, and cemeteries of the city by licensed hackmen, omnibus men, carriage men, draymen, expressmen, and street railway companies.

3. To establish quarantine regulations and laws,

Quarantine  
regulations.

and to enforce the same within the city and within five miles thereof; and to establish, maintain, and regulate hospitals and secure the general health of the inhabitants by any necessary means; to provide for the management and regulation of slaughterhouses; to prevent or regulate the driving of stock through the city; to prohibit the erection of soap factories, stock yards, slaughterhouses, pig pens, cow stables, dairies, and other nuisances of like character within prescribed limits, and to remove and regulate the same; to regulate or prevent the carrying on of any business which may be dangerous or detrimental to public health, or the manufacture or vending of articles obnoxious to the health of the inhabitants; and to declare, prevent, or abate nuisances on public or private property and the cause thereof.

Fire limits, etc.

4. To establish fire limits and make and enforce such general regulations by ordinance for the prevention and extinguishment of fires as the Board may deem necessary, and to organize, equip, maintain, and regulate fire companies; to regulate the storage of illuminating oils, dynamite, gunpowder, tar, pitch, resin, and all other explosive or combustible material, and to regulate or prohibit the use of firearms and fireworks of all kinds; and to regulate, restrain, or prohibit the carrying on of manufactories dangerous in causing fires.

Water—to provide for.

5. To regulate the construction of suitable appliances for the extinguishment of fires therein when necessary for the safety of the occupants.

6. To provide the city with water by contract or otherwise; construct wells, cisterns, and reservoirs; to erect pumps and hydrants; to lay pipes for the conducting and distributing of water over the city to keep the same in repair; to acquire and own waterworks or stock in any company organized for the purpose of supplying the city with water for domestic, irrigating, mechanical, and other purposes; to acquire by purchase or condemnation proceedings under the general laws of this State water rights and sites for public buildings and parks of the city or between the city and the source from which the water is to be taken, and to such condemnation proceedings the possession of a franchise shall be no bar upon the proper and legal compensation being

paid; to construct or purchase waterworks for the use of the city, and to enlarge their capacity from time to time, and to keep the same in repair and generally do whatever may be needful and necessary to be done by contracting with water companies or otherwise in order to supply the city with water for fire, irrigating, domestic, mechanical, and other purposes, and to regulate the prices to be charged private consumers therefor.

7. To provide for the closing of wells and springs used by the public whenever the same are injurious to health.

8. To have control and power over the streets, sidewalks, alleys, landings, public grounds, and highways of the city; to establish, open, alter, widen, extend, vacate, grade, pave, repave, block, reblock, sprinkle, or otherwise improve, clean, and keep in repair the same; to prevent and remove all encroachments thereon or obstructions thereof; to put drains and sewers in the same, and to regulate or prohibit the building of vaults or areas under the sidewalks; to regulate the use of public streets, alleys, and highways of the city for telegraph, telephone, electric lights, or electric power lines, and other pole lines above the surface, and to compel all lines and wires of every character within the city to be placed and kept underground; and to regulate the use of streets for conduits, subways, mains, pipes, and all structures beneath the surface thereof; and to regulate and control for any and every purpose the use of the streets, highways, alleys, sidewalks, public thoroughfares, and public places and grounds of the city; to prohibit racing or fast or immoderate driving of every kind of animal or vehicle in the streets, public thoroughfares, and grounds of the city, and to authorize any person to stop any such person immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals, to compel persons to fasten their animals while standing in the street, or in any particular street or streets, and to prevent the hitching of any animal on any particular street or streets; to prescribe the manner and limit the time of standing animals and vehicles attached to animals in any street or streets, and to forbid large or heavily loaded vehicles to pass along any particular street or streets or any class or kind

Streets—  
control of.

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of public thoroughfare within the city; to make all needful regulations to keep and maintain the public streets, alleys, sidewalks, and public places in a clean, open, and safe condition for public use; to prescribe and regulate the width of tires on, and to regulate and limit the weight to be carried by, any and all kinds of vehicles used on public streets and thoroughfares of the city; and to compel all lines and wires of every character within the city, etc., placed underground, except railway wires, within the district to be defined by the Board of Mayor and Aldermen, which shall not extend beyond the business area of the city.

**Public parks.**

9. To provide for closing, improving, and regulating the public parks and other public ground of the city, and to make all such provisions and regulations with regard to improvement, preservation, platting, and ornamenting any ground for a cemetery or cemeteries owned by the city, either within or without the boundaries of the city, as they may deem proper.

10. To provide for the construction and repair of sidewalks and foot pavements; and if the owner of any lot or lots shall fail to comply with the provisions of said ordinance, within such time as may be prescribed therein, the Board of Mayor and Aldermen, through any officer or agent they may designate, may contract for the construction or repair of such sidewalks or pavements, and the town shall pay for same, and the amounts so paid shall be a lien upon such lots or property, and may be enforced by attachments at law or in equity, or the amount may be recovered against said owner by suit before any court of competent jurisdiction.

**Powers, etc.**

11. To take and appropriate land for widening streets or parts of streets, or for laying out new streets, avenues, squares, parks, promenades, or for building sewers, gas works, hay markets, market houses, fire engine houses, station houses, work-houses, and for public-school buildings, yards, or grounds, when the public convenience or necessity requires it, in the manner provided in Section 1857 and Sections 1981, 1982, 1983, and 1984 of Shannon's compilation of the laws of Tennessee.

12. To grant the right of way over streets, alleys, avenues, squares, and other public places of said city for the purpose of street railroads or other rail-



roads, telephones, telegraphs, gas pipes, electric lines, and such other purposes as the Board may deem proper; *provided*, that they shall not grant the exclusive right to the use of streets and thoroughfares to any person, company, or corporation for more than twenty years, nor the unlimited right of franchise to any person, firm, or corporation whatsoever; to regulate the laying of railroad tracks of all kinds; to regulate the passage and speed of railroad engines, cars, and trains of cars within the city limits; to compel railroad companies to furnish such gates and watchmen as the public safety may require, and to compel said companies to construct and maintain proper and sufficient and substantial crossings at the points where the streets, avenues, and thoroughfares of the city cross the tracks of said companies.

13. To regulate parapet and partition walls, and to prevent the dangerous construction and condition of chimneys, flues, fireplaces, hearths, stoves, stove-pipes, oven boilers, and all kinds of fire apparatus, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; and to prevent the deposit of ashes and cinders in improper places, and to provide for cleaning chimneys.

14. To regulate the size, number, and manner of construction of the doors and stairways of theaters, tenement houses, audience rooms, and all buildings used for the gathering of a large number of people, whether now built or hereafter to be built, so that there may be a safe, convenient, and speedy exit in case of fire.

16. To compel all persons to keep the snow, ice, and dirt from the sidewalks in front of the premises occupied by them; and if not occupied, then to compel the same to be done by the owners or their agents.

16. To regulate and control the construction, maintenance, and operation of steam and street railway tracks, bridges, turnouts, and switches, and appliances in the streets and alleys of the city, and the transportation of passengers thereon. The city shall have the power to require all railroad companies to construct and keep in repair, grade crossings at the intersections of streets and alleys, and to

grade, pave, or macadamize and keep in repair said crossings and streets between the rails of their tracks and for a distance of two feet on each side of same at their own expense, in the same manner and of the same material as used by the city on the streets so crossed or occupied. The city shall also have the power, if reasonably necessary for the protection of the public, to require and compel railroad companies whose tracks cross the streets of the city to construct and maintain viaducts or overhead bridges or tunnels under the streets at such points of intersection of their tracks with the streets of the city, and may pass such reasonable ordinances as may be necessary for the convenience and protection of the public using such streets, alleys, and high-ways.

17. To restrain or prohibit cattle, hogs, horses, sheep, dogs, fowls, and all other animals from running at large within the town, and to authorize the summary sale or other disposition of all such animals when found so running at large.

18. To provide for sprinkling the streets, avenues, and other grounds.

19. To provide for the inspection of buildings, elevators, and steam boilers.

20. To establish standard weights and measures to be used in the city, and to appoint a Keeper of Weights and Measures.

21. To provide for the measurement and inspection of lumber and all other materials.

22. To provide for the erection of market houses, establishing markets and market places, and the government and regulation thereof.

23. To provide for and regulate the inspection of beef, pork, poultry, flour, meal, milk, butter, lard, and all other provisions; to restrain and punish the regrading and forestalling of provisions, and to provide for and regulate the inspection of petroleum and other oils, whisky, and all other spirits in barrels, hogsheads, or other vessels.

24. To provide for the inspection and weighing or measuring of coal, wood, and other fuel, and hay, corn, and other grains.

25. To regulate the selling or giving away of intoxicating, spirituous, vinous, malt, or mixed liquors within the city.

26. To license, tax, and regulate billiard tables, bowling alleys, shooting galleries, and other places of public resort.

27. To license, tax, regulate, or suppress theatrical and other shows, exhibitions, and amusements.

28. To prohibit and suppress the sale or distribution of obscene books, paper prints, and pictures; the posting of obscene prints, pictures, or advertisements; dance houses, opium joints, gambling houses, dealing in lottery tickets, prize fighting, cock fighting, dog fighting, brothels, bawdy houses, disorderly houses, houses of ill fame, assignation houses, or any places of resort for the practice of lewdness or fornication, or notoriously reputed to be such, whether kept by one or more persons, and to destroy the instruments of gambling.

29. To prevent and restrain riots, noises, disturbances, disorderly assemblages in any streets, houses, or place within the city, breaches of the peace, fighting, or disorderly conduct, drunkenness, Sabbath breaking, public profanity, and to make and enforce all such police regulations as may be necessary and proper for the protection and welfare of the citizens and the property within the city.

30. To prohibit and punish the abuse of animals, and horse racing, and fast driving or riding within the streets.

31. To control, regulate, or prohibit the use of steam whistles.

32. To prevent or regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets, or to frighten teams or horses.

33. To provide for the arrest and confinement until trial of all riotous and disorderly person or persons violating any ordinance of the city by day or by night.

34. And the Board of Mayor and Aldermen shall have power to impose, enforce, and collect fines, forfeitures, and penalties for the breach of any provisions of this charter or of any ordinance; to punish the violation of any provisions of this charter or any ordinance of this city by a fine or imprisonment, or both. Any person upon whom any fine is imposed shall stand committed until the payment of

same, with costs, and in default of such payment, shall be imprisoned in the city prison, the workhouse, house of correction, or of refuge; or, in case of women or minors, in such other places as may be provided for them at public or private expense, to be designated by the court before whom the conviction is had. Every person so imprisoned in the city prison, workhouse, house of correction, house of refuge, or other places as herein provided shall be required to work for the city at such labor as his or her health and strength will permit within or without such prison, workhouse, house of correction, house of refuge, or other place, not exceeding ten hours each working day, and for said work such persons shall be allowed, exclusive of his or her board, an amount to be fixed by ordinance for each day's work on account of said fine and costs. No city prisoner shall be required to labor outside the prison walls while in manacles.

This paragraph shall not be construed as limiting the city to the particular mode or method of enforcing its ordinance as aforesaid, but the city shall have the right to enforce the same by any appropriate method not inconsistent with or in violation of the Constitution or laws of the State.

35. To provide for the enumeration of the inhabitants of the city; to regulate the burial of the dead, the registration of births and deaths, the keeping and returning of bills of mortality, and impose penalties on physicians, sextons, and others for any default in such duty.

36. To appropriate money and provide for the payment and expenses of the city.

37. To make all laws, rules, and regulations necessary and proper for carrying into execution the provisions of this Act that the Board of Mayor and Aldermen may deem requisite for the good order, health, good government, and general welfare of the city, and for the protection or preservation of any city property, privileges, and franchise, and to enforce the same by proper penalties.

38. To provide by ordinance special funds for special purposes, and make the same disbursable only for the purposes for which the fund was created, and any officer of the city knowingly misappropriating any of said special funds shall be deemed guilty of

malfeasance in office, and shall be removable from office on complaint of any one interested in said funds so misappropriated.

39. To prevent the sale, circulation, and disposition of obscene literature, including books, papers, prints, pictures, and the like, and to punish any person who sells or offers for sale, or who circulates or disposes of such literature, books, papers, prints, pictures, and the like.

40. To regulate, prevent, and prohibit the erection, manufacture, or display of signboards and billboards, and all signs, posters, or other advertisements or of advertising matter which are offensive, improper, unsightly, indecent, lascivious, or obscene, upon, along, or near the sidewalks, streets, or public places, or within view thereof, and to declare any such signboard, poster, or other advertising matter, etc., to be a public nuisance, and provide for the abatement thereof.

41. To license, tax, regulate, or restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

42. To restrain and punish vagrants, mendicants, street beggars, gamblers, and prostitutes, and to define who shall be considered and treated as vagrants.

43. To require all railways and street railroads to provide proper fenders and other safety appliances and the most approved machinery and methods for their cars and tracks and the operation thereof for the protection of human life and lessening of dangers thereto; to make all needful regulations for the operation of the same, so as to protect human life, and to enforce all such regulations by such fines and penalties as may be prescribed by ordinance, subject to the limitations of this Article; to regulate prices charged by telephone, telegraph, gas, and electric-light companies using, controlling, or managing electric wires for any purpose whatever; to require them to put and keep their lines underground and to regulate the use of all such wires and the connections therewith; *provided, however*, that nothing contained herein shall in any manner whatsoever apply to or effect individuals, firms,

or corporations which are now legally using the streets of the city of Johnson City.

44. To control, regulate, and prohibit the emission of dense smoke from chimneys and chimney stacks of buildings, manufactories, locomotives, or engines within the city, and to impose fines and imprisonment therefor.

45. To regulate plumbing, drainage, and sewerage of buildings and the use of steam boilers and steam generators, and to provide for the registration of plumbers and stationary engineers.

46. That the city, through its officers and agents, may, at all reasonable times, within the city limits, enter into and examine all dwellings, lots, yards, inclosures, buildings, cars, and vehicles of every description, to ascertain their condition for cleanliness, health, and safety; take down and remove buildings, walks, or structures that are or may become dangerous, or require the owners to remove or put them in a safe and secure condition at their own expense; may direct, regulate, and provide for the safe construction, inspection, and repair of all public and private buildings within the city; may compel persons to aid in extinguishing fires, or in the preservation of property likely to be destroyed or stolen; may remove or compel the removal from the fire limits of the city of wooden buildings or of any other structure believed by the Board of Mayor and Aldermen to be dangerous to surrounding property; and whenever a nuisance has been declared by the Board of Mayor and Aldermen by an ordinance duly passed, the Mayor is authorized to abate and remove such ordinances [nuisance] and the cause thereof in a summary manner at the cost of the owner or occupant of the premises where the nuisance or cause thereof may be, and for that purpose may enter and take possession of any premises or property where such nuisance may exist or be produced.

47. The foregoing enumeration of particular powers granted to the Board of Mayor and Aldermen in this charter shall not be construed to impair any general grant of power herein or in this charter contained or granted by the general laws of the State, nor to limit any such general grant of power of the some class or classes as those enumerated; and the said Board of Mayor and Aldermen shall have

power to pass, publish, amend, and repeal all such ordinances, rules, and regulations not inconsistent with the provisions of this charter or contrary to the laws of the State or of the United States as it may deem expedient or necessary in maintaining the peace, order, good government, health, and welfare of the city, its trade, commerce, manufactures, or that may be necessary or proper to carry into effect the provisions of this charter.

SEC. 2. *Be it further enacted*, That no ordinance shall be revived or reenacted by mere reference to the title thereof, but the same shall be set forth at length as if it were an original ordinance.

SEC. 3. *Be it further enacted*, That no ordinance shall be amended by providing that designated words thereof be stricken out and others inserted in lieu thereof, but the ordinance or section amended shall be set forth in full as amended.

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

SECTION 1. *Be it further enacted*, That the chief executive officer of the city shall be the Mayor, who shall be not less than twenty-five years of age. The executive and administrative authority of the city shall be vested in him, excepting only the power and authority vested in or conferred by this charter or by ordinance carrying into effect some provision of the same upon other officers of the various departments.

SEC. 2. *Be it further enacted*, That the Mayor shall preside at all the meetings of the Board of Mayor and Aldermen, and in case of a tie vote on questions before said Board, he shall vote, but not otherwise. He shall from time to time give the Board of Mayor and Aldermen information relative to the condition of the corporation, and shall recommend to its consideration such measures as he may deem expedient for the interests of the city. He shall see to the enforcement of the ordinances of the city and to the preservation of its health and peace, and, in cases of emergency, he is empowered to call to his aid every male inhabitant of the city in such enforcement; and the Board of Mayor and Aldermen may

prescribe penalties for a failure to obey such call. The Mayor shall, when directed by the Board of Mayor and Aldermen, give orders upon the Recorder for the payment of any moneys due from the corporation.

Ordinance  
signed by.

SEC. 3. *Be it further enacted*, That no ordinance shall be deemed passed until it is signed by the Mayor. If he approves an ordinance, he shall sign it; if not, it shall be returned to the Recorder within five days, with his veto in writing, and the Recorder shall, at the next regular or called meeting of the Board of Mayor and Aldermen thereafter, present the same with such veto, when it shall become a law upon the vote of the majority of all the Aldermen forming the Board of Aldermen.

If any ordinance presented to the Mayor contains items of appropriation, he may object by way of veto to one or more items, while approving the other portions of the ordinance. In such case, he shall append to the ordinance at the time of signing it a statement of the items to which he objects, and his reasons therefor, and shall return the same to the Recorder in the same time and manner and with the same effect as to the items unobjected to, and for the purpose of taking some action relative to the items of appropriation so objected to, as provided for ordinances returned without the approval of the Mayor; but the portions of such ordinances not objected to shall take effect upon the approval thereof.

Each ordinance presented as aforesaid, but returned without the approval of the Mayor and with his veto thereto, shall stand as reconsidered by the Board of Mayor and Aldermen. The Board shall cause the objections of the Mayor to be entered at large upon their minutes, and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the ordinance pass, notwithstanding the veto of the Mayor?" The vote upon this question shall be taken by ayes and nays, and the names of those voting for and against its passage entered upon the minutes; and if a majority, as above provided, vote in the affirmative, the Mayor shall certify that fact upon the minutes, attesting the same by his signature.

Said ordinance shall then be and become a law, and shall be further authenticated as having become



a law by certificate, signed by the Recorder, indorsed thereon as follows: "This ordinance, having been returned by the Mayor, with his veto thereto, and upon reconsideration having passed the Board of Mayor and Aldermen by the required majority has become a law this . . . day of . . . , 19... .., Recorder." And such ordinance shall be filed, recorded, and preserved in the office of the Recorder as other ordinances.

If any ordinance shall not be returned by the Mayor in eight days, Sundays excepted, after it shall have been presented to him for approval, the same shall become a law in the same manner as if he had signed and approved it, and said ordinance shall be authenticated as having become a law by certificate of the Recorder indorsed thereon as follows: "This ordinance having remained with the Mayor eight days, Sundays excepted, has become a law this . . . day of . . . , 19... .., Recorder." And said ordinance shall be filed, recorded, and preserved in the office of the Recorder as other ordinances.

SEC. 4. *Be it further enacted*, That the Mayor may, in writing, request one of the Aldermen to act in his stead during his absence, sickness, or other disability; and in the event the Mayor shall fail to make such request, the Board of Mayor and Aldermen shall elect one of their number to perform the duties of the Mayor, and such Alderman so appointed by the Mayor or elected by the Board shall be vested with all the powers of the Mayor for the time being.

SEC. 5. *Be it further enacted*, That all contracts and bonds of the city shall be signed by the Mayor and countersigned by the Recorder, under the seal of the corporation, after authority by resolution or ordinance of the Board of Mayor and Aldermen.

SEC. 6. *Be it further enacted*, That all legal process against the city shall be served upon the Mayor, and it shall be his duty to forthwith give the City Attorney written notice of the same, stating the style of the cause and from what court issued.

SEC. 7. *Be it further enacted*, That the Mayor shall have power, and it is hereby made his duty, to perform all acts that may be required of him by any ordinance duly enacted by the Board of Mayor and Aldermen not in conflict with any of the provisions of this Act.

Mayor to fill  
vacancies—  
when.

SEC. 8. *Be it further enacted*, That the Mayor shall have power to make pro tempore appointments to fill vacancies occasioned by sickness, absence, or other disability of any of the town officers elected by the Board of Mayor and Aldermen, and to suspend any of such officers for misconduct in office or for neglect of duty, reporting his action, with his reasons therefor, in writing, to the next regular meeting of the Board of Mayor and Aldermen, and final action shall be taken thereon by said Board.

SEC. 9. *Be it further enacted*, That it shall be the duty of the Recorder to be present at all meetings of the Board of Mayor and Aldermen, and to keep a full and accurate account of all business transacted by the same, to be preserved in permanent book form, and to perform such other duties as may be imposed upon him by this Act or by the ordinances and resolutions of the Board of Mayor and Aldermen. In the event of the absence or disability of the Recorder, the Board may elect a Recorder pro tempore, designating his duties.

Recorder—  
duties of.

SEC. 10. *Be it further enacted*, That it shall be the duty of the Recorder to keep a full and accurate system of accounts with each fiscal department of the city government, showing the amounts of receipts and expenditures in each of said departments, and he shall submit a statement of the same to the Board of Mayor and Aldermen monthly.

SEC. 11. *Be it further enacted*, That the Recorder shall be the Treasurer of the city, and it shall be his duty to receive and receipt for the revenues of the city, but he shall not pay out any part of the same, except on warrants previously authorized by the Board of Mayor and Aldermen, signed by the Mayor and attested by the Recorder, under the seal of the corporation, and such warrants shall specify the particular departmental fund against which same are drawn, and shall be payable out of no other fund.

SEC. 12. *Be it further enacted*, That the Recorder shall have custody of the city seal, the public records, the original ordinances of the Board of Mayor and Aldermen, all contracts, deeds, and certificates relative to the title of any property of the city, all official indemnity or security bonds (except his own bond or bonds), and such other records, papers,

and documents of value as are not required to be deposited with any other person. He shall certify, under his hand and seal of the city, all copies of such original documents, records, and papers in his office as may be required by any officer or person, and charge therefor to individuals such fees, for the use of the city, as may be provided by ordinance.

SEC. 13. *Be it further enacted*, That the Recorder shall perform such other duties, not inconsistent with this Act, as the Board of Mayor and Aldermen may by ordinance or resolution direct.

SEC. 14. *Be it further enacted*, That the Board of Mayor and Aldermen shall have power by ordinance to provide for the appointment of officers, and the enlistment or appointment of members of the Fire Department, and may provide rules and regulations for the government of the same. The said Board shall have power by ordinance to place the Fire Department under the direction or control of a committee or committees of the Board, or such officer or officers as they may deem proper.

SEC. 15. *Be it further enacted*, That the compensation of the officers and members of the Fire Department shall be fixed by the Board of Mayor and Aldermen by ordinance.

## ARTICLE VI.

### SCHOOLS.

SECTION 1. *Be it further enacted*, That the Board of Mayor and Aldermen shall have power to appoint a Board of Education, consisting of six qualified citizens, residing within the corporate limits and not members of the Board of Mayor and Aldermen, which board, when so appointed, shall have full power as trustees or directors to manage and control the public or city schools, to elect or employ well-qualified teachers, and prescribe all needful rules and regulations for said schools and teachers thereof, and said Board of Education shall hold office for three years; *provided*, the members of the present Board of Education shall hold their offices until the expiration of the term for which they were elected.

SEC. 2. *Be it further enacted*, That the Board of Mayor and Aldermen shall provide by ordinance for

the manner in which the taxes, collected by the City Tax Collector, going to the school fund, shall be paid over on the order of the Board of Education.

## ARTICLE VII.

### JUDICIAL DEPARTMENT.

SECTION 1. *Be it further enacted*, That the Recorder of the city of Johnson City is hereby vested with full power and authority to try all offenses for violation of the ordinances and by-laws of said city, and it shall be his duty to hear and determine the same. Said court shall have power and authority to preserve order and decorum while in session, and shall be invested with the same power to punish for contempt, by fine and imprisonment, as are incident to courts of record in this State.

SEC. 2. *Be it further enacted*, That in the absence, incompetency, or other disability of the Recorder, the Mayor is hereby authorized to act in his stead, or appoint some suitable persons to act as judge of said court, and the Mayor, or person appointed by him, is invested with the same powers as the Recorder while so acting.

SEC. 3. *Be it further enacted*, That the Chief of Police shall detail a member of the police force to wait upon said court when requested by the Recorder or person presiding therein.

SEC. 4. *Be it further enacted*, That in all cases in which a person charged with a violation of the ordinances of the city of Johnson City shall be tried in said Recorder's Court, the accused or the city of Johnson city shall have the right to appeal from the judgment of said court to the law court at Johnson City, where the cause shall be tried de nove upon the execution of proper appeal bonds, to be approved by the Recorder, or upon otherwise complying with the law, as in cases of appeal from Justices of the Peace.

SEC. 5. *Be it further enacted*, That all process issuing from said Recorder's Court shall run in the name of the "City of Johnson City." Subpoenas for witnesses issued from said court may be served in any county in this State by any executive officer

thereof, under the same rules governing like process issuing from the courts of record in this State.

SEC. 6. *Be it further enacted*, That the Board of Mayor and Aldermen shall regulate by ordinance or resolution the number of assistant policemen, the salary to which they shall be entitled, and the salary of the Chief of Police. Nor shall the chief or any assistant policeman be entitled to any other compensation for services rendered the city during their employment on the police force.

SEC. 7. *Be it further enacted*, That the Chief of Police and all police officers of the city made conservators of the peace by this charter or authorized by ordinance shall have power to arrest or cause to be arrested, with or without process, any person who shall break the peace or be found violating any ordinance of the city or laws of the State, and commit for examination, and, if necessary, detain such person or persons over night or on the Sabbath in the city prison or any other suitable place until they can be brought before the Recorder's Court or other proper officer; and they shall have and exercise all such other powers of preserving the peace as the city may prescribe. The police force of the city shall be under the management and control of the Mayor or a committee of the Board of Mayor and Aldermen, or both, as may be regulated by an ordinance.

SEC. 8. *Be it further enacted*, That the Chief of Police and all assistant policemen are hereby empowered to serve process of any kind or character issued out of the Recorder's Court, and to serve process in criminal matters issued by any Justice of the Peace within the city; also to serve any and all process which may be issued by any court in Washington County in any proceeding instituted for the enforcement of any city ordinance, or punish for violation thereof, or for the collection of any fines or forfeitures which may be incurred under the ordinances of the city.

## ARTICLE VIII.

### TAXATION AND REVENUE.

SECTION 1. *Be it further enacted*, That all property—real, personal, and mixed—subject to State and county taxes, and all persons liable for a poll tax, when the same shall have become duly assessed for taxation as now, or may hereafter be provided by law, by the Assessor or Assessors elected or appointed under the general laws of the State, shall be the basis upon which property shall be taxed and taxes collected by the city of Johnson City for municipal purposes as hereinafter provided.

SEC. 2. *Be it further enacted*, That as soon as practicable in each year after the assessment books for the State and county are complete (which shall be after the equalization boards provided for by the State law shall have finished the equalization of taxes), it shall be the duty of the Recorder to prepare or cause to be prepared from the said assessment books of Washington County a tax book as is required by the laws of the State to be made out for the County Trustee, embracing, however, only such properties and persons as are liable for taxes within the city of Johnson City. Such tax book, when certified to be true, correct, and complete by the Recorder, shall be the assessment for taxes in said town for all municipal purposes; *provided*, that there may be an assessment by the Recorder at any time of any property subject to taxation found to have been omitted.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Recorder, in each year as soon as such assessment roll for the city is complete, to submit to the Board of Mayor and Aldermen a certified statement of the total amount of the valuation or assessment of the taxable property for the year within the city limits (including the assessment of all railroad, telephone, and telegraph properties), together with a certified statement of the revenue derived by the city from privilege taxes, merchants' ad valorem taxes, and fines for the preceding fiscal year. Upon the presentation of such statements by the Recorder, the Board of Mayor and Aldermen shall proceed by ordinance to make the proper levy to meet the ex-

penses of the city for the current fiscal year, not exceeding, however, in the total levy for all purposes (except interest on the bonded debt of the town) in any one year, one and one-half per centum of the total assessment of property within the city for the year.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Recorder, immediately after the levy of taxes by the Board of Mayor and Aldermen, to cause the said levy to be extended upon the said book, prepared by the Recorder, in the same manner that extensions are made upon the tax books in the hands of the County Trustee. The Recorder shall be allowed a reasonable compensation out of the city treasury for the preparation of said tax book and extensions, the amount thereof to be fixed by resolution of the Board of Mayor and Aldermen.

SEC. 5. *Be it further enacted*, That all taxes due the city of Johnson City, except privilege and merchants' ad valorem taxes, shall be due and payable on the first Monday in November of the year for which the taxes are assessed, and shall bear interest at six per cent per annum from the first Tuesday in March following. The Recorder shall be the custodian of the tax books and the tax collector for the city. On and after the first Tuesday in March, as aforesaid, the tax books in the hands of the Recorder shall have the force and effect of a judgment of a court of record, and the Recorder shall have the power to issue distress warrants and alias and pluries distress warrants in the name of the city of Johnson City, to enforce the collection of said taxes against the person owning the property assessed on January 10 of the year for which the tax is assessed, by a levy upon the personalty of such taxpayer; and such distress warrants shall be executed by the Chief of Police or any assistant policeman of the city of Johnson City by a levy upon and sale of the goods and chattels under the same provisions as prescribed by law for the execution of such process from a Justice of the Peace.

Taxes—when due.

SEC. 6. *Be it further enacted*, That all municipal taxes on real estate in the city of Johnson City and all interest, penalties, and costs accruing thereon are hereby declared to be a lien on said realty from and after the tenth day of January of the year for which

Taxes—lien on property.

same are assessed, superior to all other liens, except of the State of Tennessee and county of Washington, for taxes legally assessed thereon, with which it shall be a coördinate lien. No assessment shall be invalid because the size and dimensions of any tract, lot, or parcel of land have not been precisely named, or the amount of the valuation or tax not correctly given, nor because the property has been assessed in the name of a person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any objection or informality merely technical, but all such assessments shall be good and valid.

Penalty—  
when due.

SEC. 7. *Be it further enacted*, That on and after the first Tuesday in March of the year following the year for which the taxes are assessed a penalty of five per cent upon all taxes and interest remaining unpaid shall be imposed and collected by the Recorder, and by him paid into the city treasury.

SEC. 8. *Be it further enacted*, That the Recorder shall, under the provisions of the State law for collection of delinquent taxes, certify to the Trustee of Washington County a list of all real estate upon which taxes remain due and unpaid, or which is liable for sale for other taxes, and the same shall be sold in like manner and under the same laws and conditions as real estate is sold for delinquent State and county taxes; *provided, however*, that the Board of Mayor and Aldermen may by ordinance direct its City Attorney to enforce collection of delinquent taxes due it by suit in the Chancery Court at Johnson City in manner following, instead of certifying the aforesaid delinquent list to the County Trustee as above set forth.

SEC. 9. *Be it further enacted*, That in the event the Board of Mayor and Aldermen shall, under the last section above, elect to enforce the collection of taxes due it in said court, the Recorder shall, by said ordinance, be directed to report to the City Attorney a list of all real estate on which taxes have not been paid to the city, setting forth the persons to whom said realty is assessed as owners, the assessed description of said realty, the value thereof, the taxes, penalties, and fees due thereon. This list shall be certified to by the Recorder, under the seal of the city, and shall by him be turned over to the City At-



torney within twenty days after the final passage of the ordinance above referred to.

SEC. 10. *Be it further enacted*, That the City Attorney, as soon as possible after said list comes into his hands, shall insert in some paper published in Johnson City a short notice that he will within thirty days commence to file bills in said court to enforce the lien of taxes due the city on said realty against all parties delinquent. After said thirty days have expired, he shall, with all possible dispatch, file bills in said court for the purpose named above. Said bills shall be filed in the name of the "City of Johnson City." Not less than twenty-five pieces of property shall be embraced in the same bill, if there be that number reported delinquent; if less, then all reported shall be embraced in one bill, and the bill shall not be objectionable on account of the number of parties made defendants thereto. All parties having an interest in said realty, and all parties necessary to enable the court to enforce the lien and divest title, and vest the same in the purchaser, may be made parties defendant by subpoenas to answer duly served, or by publication as in other cases in Chancery. In the event that the person to whom the property is assessed be a nonresident of the State, or be not found in the county of his residence in this State, or be unknown, the order of publication for such person or persons shall contain a short description of the property reported delinquent in the name of such owner or owners, the year for which reported delinquent, the amount of taxes, interest, fees, and penalties claimed to be due, and a short statement showing the nature of the suit. Upon such publication duly made as in other Chancery causes, judgments pro confesso and final decrees may be taken and entered as in suits in the Chancery Court. After the receipt of said delinquent list by said attorney, and before filing any bills as herein provided, he is hereby authorized to release any and all claims or liens for taxes due the State or county on payment of the amount of original tax and interest, together with such fees, penalties, and costs as have accrued, and he will charge a fee of ten per cent on the whole amount of taxes and interest collected as compensation for his services, and the receipt or release of said attorney will be a full

Bills filed—  
when.

acquittance of all liens for taxes due said city on the property so released. After the bill is filed and before sale thereof, payment may be made to the attorney, and he will be allowed the same fee as in case of decree upon payment to him of the amount of taxes and interest, with such fees, penalties, and costs, if any, as have accrued when payment is made as aforesaid. When property is sold under decree, out of the proceeds shall be paid:

1. All costs of the court, including a fee of one dollar on each piece or parcel of land so sold, as a fee to the attorney, and ten per cent to him on the amount collected.

2. All taxes due the city; or if taxes due the State and county are also collected in said suit, then the same shall be paid to the State, county, and city, in whole or pro rata, through the officers, respectively, entitled to receipt for the same. The surplus, if any, shall be paid out under the order of the court to the parties entitled thereto; *provided*, that no attorney, clerk, deputy clerk, or other officer charged with the collection of any delinquent tax, or in any manner interested in the collection thereof, shall buy or be a bidder, directly or indirectly, at any sale of land for taxes under this Act; and any sale to any such attorney, clerk, deputy clerk, or other officer shall be deemed and held null and void; *provided, further*, that the city of Johnson City, by its Mayor, if the Board of Mayor and Aldermen shall so direct by resolution, may buy and be a bidder at said sale of the property thereby sold, to be held and disposed of for the benefit of said city.

Bills filed—to  
show.

SEC. 11. *Be it further enacted*, That the bills filed as directed in this Act shall be in the name of the "City of Johnson City." Said bills shall be in substance and from the same as other bills filed in the Chancery Courts, and shall show by exhibits the name of the party to whom the property is assessed for the years for which the taxes are claimed, and the respective interests of the parties, the taxes due the municipality, together with such costs, fees, penalties, and interests as have already accrued thereon. Such exhibits are to be true copies from the books, or statements furnished by the Recorder shall be prima facie evidence of the facts contained therein, and shall be signed by said attorney, which shall

be proper and sufficient authority for the filing of same in said court. No defendant shall be entitled to a copy of the bill without applying to the clerk and paying for such copy, nor shall it be necessary that all the defendants' names be included in the copy of the subpoena to be left with any defendant, or in publications for nonresidents, except as hereinbefore provided. Said cause shall be at issue as to any defendant whenever his or her answer is filed or pro confesso has been taken against him or her, and the cause may be proceeded with by or against any one or more of the defendants to final judgment, sale, and confirmation without in any way affecting any other party to the suit. Any party to the suit shall have the right to appeal to the Court of Civil Appeals or to the Supreme Court, as required by law in like cases, or to writ of error, or appeal in the nature of a writ of error, and such appeal in the nature of a writ of error, or writ of error, shall not affect the proceedings as to other parties; *provided*, no appeal in the nature of a writ of error, or writ of error, shall be allowed except from a final decree. Advertisements for sale under this Act shall embrace all property then decreed to be sold under this Act. Publications made and the process issued, and decrees, motions, and orders entered in any such suit shall embrace all defendants as far as practicable; and in case of final decree, the costs shall be adjudged against all the defendants embraced in that decree and pro rated according as the Chancellor may deem equitable and so decree. The Sheriff's fees for serving subpoenas to answer shall be twenty-five cents for each name served, and ten cents when returned not found, and the Clerk shall have fifty cents for first name in writ and five cents for each additional name.

SEC. 12. *Be it further enacted*, That if any lot or parcel of land reported delinquent for taxes due the city of Johnson City be also delinquent for State and county taxes, or if said lot or parcel of land has been previously sold by the Trustee of the county and purchased by or for the State, and has not been redeemed, the State and county, as well as record owner of said property, may be made parties defendant to said bill for the purpose of having all taxes that are a lien on the land settled in one pro-

Who to be  
made parties  
to suit.

ceeding, the said lot or parcel of land shall not be sold for less than the amount of all taxes and interest due on the same, with the pro rata part of the cost chargeable thereto; *provided*, that if such lot or parcel of land has been reported delinquent for the year 1906 and prior thereto, and has been sold by the Trustee or in other manner for said years, or either of them, and has not been redeemed; or if there be any taxes due on said lot for said year of 1906 and prior thereto remaining unpaid, said lot or parcel of land shall be sold for what it will bring at public outcry, to the highest bidder, and any balance of taxes, interest, and costs remaining unpaid shall cease to be a lien on said lot or parcel of land in the hands of the purchaser, and the same shall be deemed and treated as settled in full as to taxes due the city of Johnson City; *provided*, if for any reason, the original owner shall set aside said sale and be entitled to recover the ownership and possession of said lot or parcel of land, he shall pay the whole amount of taxes, with interest and costs found to be due in said suit, or which he may show to be justly due, before he shall be entitled to said relief; and this provision shall apply not only to the owner, but to his heirs and assigns, or to any having a vendor's mortgage or other lien on the same, who may be able to recover said land or subject it to his debt and lien. Said lot or parcel of land shall be sold on credit and in bar of the equity of redemption as in other chancery cases for the enforcement of mortgage and other liens on land, and title shall be vested, deeds ordered to be made, writs of possession awarded, references directed, and all other such steps taken as are taken in like cases in the Chancery Courts.

SEC. 13. *Be it further enacted*, That the Board of Mayor and Aldermen shall have the power, and it is hereby given the authority to file like bills, in the name of the "City of Johnson City" for the collection of assessments and levies made for payment of improvements in said city—such as paving, sidewalks, curbing, gutters, sewers, and other improvements allowed to be made by this charter, or by any other Act of the Legislature, in said city, the cost of which is made a charge on property owners abutting said improvements and a lien on abutting prop-

erty, the suits commenced by said bills to be conducted as other suits in chancery for the enforcement of like liens and under the rules of law and practice prescribed for the same; *provided*, that said bills shall not be objectionable because the owners of different parcels or lots of land are made parties thereto, it being the intention hereof that all persons in the same improvement districts; or liable for portions of the same assessment and levy for improving a portion of the city, as aforesaid, and on whose property said assessment or levy is a lien, shall be made parties defendant to one bill.

SEC. 14. *Be it further enacted*, That the Board of Mayor and Aldermen shall have power by ordinance to levy and collect a poll tax to be used for school purposes, not exceeding for any year in amount the poll tax levied by Washington County. Poll tax.

SEC. 15. *Be it further enacted*, That the Board of Mayor and Aldermen shall have power by ordinance to levy and collect privilege taxes upon each business calling and occupation declared to be a privilege or taxed as such by the laws of Tennessee; but said Board shall not be required to assess privileges at the same rates as fixed by the State statutes. It shall be the duty of the Recorder to issue license to do privileged business, and to receive and receipt for privilege taxes, and, unless otherwise provided by ordinance of the Board of Mayor and Aldermen, he is hereby vested with the same powers with relation thereto as are now or may be hereafter vested in County Court Clerks in this State. Privilege taxes.

SEC. 16. *Be it further enacted*, That the Board of Mayor and Aldermen shall not contract for the expenditure of any greater sum of money in any one year than the income for that particular year amounts to; and said Board is forbidden to make any appropriation of money or credit in the way of festivities, pageants, excursions, parades, or donations of any kind, except to provide medicines, medical attention, and coffins for the absolutely destitute paupers of the city.

SEC. 17. *Be it further enacted*, That the Board of Mayor and Aldermen shall by ordinance designate the purposes for which the taxes are levied and to which the municipal revenues from all sources shall be appropriated; and the appropriation for each

fiscal department shall be held and kept for the purposes of that department, and shall, under no circumstances, be diverted from such purposes. No payments shall be made out of the city treasury except upon warrants drawn by the Mayor and countersigned by the Recorder, under the seal of the city, upon the prior authorization of the Board of Mayor and Aldermen, and such warrants shall specify the particular fund against which they are drawn, and shall be payable out of no other fund.

Who liable for  
street duty.

SEC. 18. *Be it further enacted*, That all male inhabitants in the city of Johnson City between the ages provided by the laws of the State for the working of public roads, except such as are permanently disabled from performing ordinary labor, who may be released by the Board of Mayor and Aldermen, shall work on the public streets, avenues, and alleys of the city not less than three nor more than six days in each year, upon three days' notice being given by the street foreman or other officer appointed by the Board of the time and place to commence; but such notices may be served either by the street foreman or any member of the police corps. Any person so notified may be exempt from such work by sending an able-bodied and satisfactory substitute, or by paying to the Recorder, to go to the street fund, such sum as the Board of Mayor and Aldermen may fix, but not less than two nor more than five dollars. A day's work within the meaning of this section shall be eight hours of actual service. The Board of Mayor and Aldermen may by ordinance provide all needful and proper rules and regulations for the organization, management, and control of the street force.

SEC. 19. *Be it further enacted*, That the Board of Mayor and Aldermen shall, at its first regular meeting in April of each year, assess the number of days to be worked by each person upon the streets, and fix the amount that may be paid in lieu thereof, as provided in the preceding section.

SEC. 20. *Be it further enacted*, That any person subject to street work who shall fail or refuse to work when notified by the street foreman, or other duly appointed official, or a member of the police force, shall be guilty of a misdemeanor, and shall be fined by the Recorder not less than three nor more

than six dollars, and in default of payment thereof shall be held to work out the same in the workhouse or chain gang.

SEC. 21. *Be it further enacted*, That there shall be an Auditing Committee of said Board of Mayor and Aldermen, composed of the Mayor, Recorder, and Chairman of the Finance Committee, and every claim against the city for money shall be passed upon by said committee before any appropriation may be made for payment thereof. Auditing Com-  
mittee

SEC. 22. *Be it further enacted*, That the Treasurer and all officers charged with the collection, custody, or disbursement of city money shall, at the close of each fiscal year, make a full and detailed statement and settlement of their accounts, which shall show all moneys received, from what source, and what form; also all moneys paid, to whom, and when, and for what purpose, which statements shall be included in or made a part of the Recorder's annual report as exhibits. The said Recorder shall make an annual report, showing in full the resources and liabilities of the city, together with the amounts of all moneys collected from all sources during the fiscal year, the amount expended on all accounts by the city during the same period, and such further particulars as may be prescribed by ordinance. Such report, with the exhibits thereto, shall be filed in the office of the Recorder and be open to the inspection of the public under such reasonable rules and regulations as may be prescribed by the Board of Mayor and Aldermen, and the Board may, in its discretion, have said annual report, with the exhibits thereto, or without the exhibits, published in pamphlet form or otherwise. In addition to said reports, the Board may direct such other reports, either monthly or quarterly, from said officials as it may deem proper and necessary.

## ARTICLE IX.

### MISCELLANEOUS PROVISIONS.

SECTION 1. *Be it further enacted*, That the Mayor shall countersign all warrants drawn upon the Treasurer or the custodian of the city funds, and

shall sign all bonds, notes, or other evidences of indebtedness, and all contracts to which the city is a party; *provided, however*, that if the Mayor should refuse to sign any such contract, warrant, pay roll, or instrument or document, the same shall become effective without his signature by a majority vote of all the Aldermen; but it is made the duty of the Board of Mayor and Aldermen to enter on their minutes the fact that the Mayor refused to countersign the same, and his reasons therefor, if any such were given, and that no member of the Board of Mayor and Aldermen or any other person shall have power to make any contract for or create any liability on behalf of said Board, or funds under its control, except by express authority of the Board.

SEC. 2. *Be it further enacted*, That the Board of Mayor and Aldermen shall have power to assign to its various members, as well as to the Mayor and any and all officers elected by the Board, individually or as a committee or committees, certain duties to perform in connection with the management, supervision, and control of any department of the city government, and may make such rules and regulations in regard to the same as the said Board may deem proper. The said Board may also elect a Board of Health, to consist of three members, one of whom shall be the City Physician, and may by ordinance confer upon such Board of Health such powers as may be deemed necessary, not in conflict with any of the provisions of this charter or the laws of the State. The Board of Mayor and Aldermen may also prescribe the rules and regulations by which said Board of Health shall be governed and in accordance with which it may act.

Contracts to  
be let.

SEC. 3. *Be it further enacted*, That all city improvements of whatever kind, including the erection of all public buildings, made or to be made, or erected at the expense of the city, including all work to be paid for by special assessments, except as in this charter otherwise provided, shall be let by contract to the lowest and best bidder, as shall be prescribed by ordinance; *provided, however*, that nothing in this section shall be so construed as to prevent repair and maintenance by day work of streets, alleys, and other public places, curbing, sidewalks, sewers, culverts, buildings, or other city property,



so far as may be necessary under the direction of the Board of Mayor and Aldermen, or the department having control, management, or jurisdiction of said work.

SEC. 4. *Be it further enacted*, That all laws or ordinances of a penal nature hereafter passed shall be published at least once in some newspaper published in the city of Johnson City, and no such law shall be in force until it is so published.

SEC. 5. *Be it further enacted*, That the Board of Mayor and Aldermen shall have power to anticipate the annual revenue by borrowing money to meet the payments of interest on the bonded debt of the city; *provided*, the amount borrowed in any year shall not exceed fifty per centum of the tax levy for the interest fund for that year.

SEC. 6. *Be it further enacted*, That to enable the Board of Mayor and Aldermen to fully investigate charges against its own members or other officers or agents of the city or such other matters as they may deem proper, the Mayor or Recorder, at the request of the Board, are hereby empowered to issue subpoenas and other compulsory process to compel the attendance of persons and the production of books and other papers before the Board of Mayor and Aldermen or any committee of the same, and the Board may prescribe and enforce penalties for a failure or refusal to obey such process.

SEC. 7. *Be it further enacted*, That sinking funds for bonds of the city may be invested by the Recorder, by and with the consent of the Board of Mayor and Aldermen, in bonds of the United States, of the State of Tennessee, of the county of Washington, or of the city of Johnson City, on the best terms obtainable. The Recorder, by and with the consent of a majority of the members of the Board of Mayor and Aldermen, shall sell the securities belonging to a sinking fund, or any part of them, at any time when the proceeds thereof may be needed for the payment of bonds on the best obtainable terms. The Recorder, by and with the consent of a majority of the Board of Mayor and Aldermen, may exchange any bonds belonging to a sinking fund for bonds of the city whenever such change may be advantageous for the city, if the amount of any sinking fund, with the interest or revenue thereof, computed to the ma-

Sinking fund  
invested.

turity of the city bonds, be sufficient to pay at maturity all of the bonds for which it is held. The levy of the tax for such sinking fund may then be omitted; but if by reason of decrease of interest or depreciation of investments or other cause said fund shall not be sufficient, the same shall be resumed. Any moneys remaining in a sinking fund, after payment of the entire bonded debt for which it was accumulated, shall be paid into the general fund. Whenever any bonds, interest coupons, or other written evidence of the city's debt shall be paid and discharged, they shall be canceled by the Recorder in the presence of a committee of the Board of Mayor and Aldermen, and such committee shall report a full and detailed description of the bonds or other evidences of indebtedness so canceled, which report shall be entered upon the minutes in full.

SEC. 8. *Be it further enacted*, That this Act is declared to be a public Act, and may be received and read in evidence in all courts and places, and proceedings of the Board of Mayor and Aldermen may be proved by the certificate of the Recorder, under the seal of the city. Printed copies of the by-laws and ordinances of the city of Johnson City, either purporting or proved to have been published under the authority thereof, or proved to be commonly admitted as evidence of the existing ordinances of said city in the Recorder's Court of the city, shall be admitted in all the courts of this State as presumptive evidence of such laws and ordinances.

SEC. 9. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and they are hereby, repealed; *provided, however*, that any enabling Acts heretofore passed allowing the town of Johnson City to make public improvements, such as to construct waterworks or other public utilities, or to purchase the same; to build schoolhouses or other public buildings; to improve streets, etc., and to issue bonds for the purpose of paying for the same in the manner provided in said Acts, are not hereby meant to be amended or repealed.

SEC. 10. *Be it further enacted*, That this Act shall

take effect from and after its passage, the public welfare requiring it.

Passed February 16, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 126.

### SENATE BILL No. 174.

(By Mr. Turner.)

AN ACT to permanently settle or fix the line between the counties of Stewart and Houston.

WHEREAS for a number of years doubts have existed as to the true locality of portions of the line between the counties of Stewart and Houston running from the Tennessee River to the Montgomery County line; therefore, in remedy thereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Stewart and Houston be, and the same is hereby, settled and fixed as follows—to wit:

Beginning on the Tennessee River at the Lagrange Metal Landing, the northwest corner of Houston County, as established by the Commissioners of said county; running thence east one and five-eighths miles 526 poles to Station 79 in an old field near a ridge road between Leatherwood and Hurricane Creeks, known as the "Cotton Patch;" thence with said road north 57' east 22 poles to Station 80; thence north 70' east 54 poles to Station 81; thence north 50' east 22 poles to Station 82, a point on said ridge road eleven miles from Dover; thence with

the arc of a circle, keeping the distance of eleven miles from Dover, south 60' east 86 poles to Station 83; thence south 66' one mile to Station 84; thence south 72' east one mile to Station 85; thence south 78' east one mile to Station 86; thence south 84' east one mile to Station 87; thence south 87' east one mile to Station 88, a point due south of Dover, eleven miles from Dover; thence north 87' east one mile to Station 89; thence north 84' east one mile to Station 90; thence north 78' east one mile to Station 91; thence north 72' east, crossing Hurricane Creek about 200 yards south of Samuel French's, at 144 poles, in all one mile to Station 92; thence north 66' east one mile to Station 93; thence north 60' east one mile to Station 94; thence north 54' east one mile to Station 95; thence north 48' east one mile to Station 96; thence north 42' east 180 poles to Station 97, a small black oak and several black oak pointers on a high ridge in the Bryan Forge Coal-ing about one-half mile north 4' east from George Hornberger's; thence north 86' east, crossing Wells' Creek at mouth of Dr. Carter's lane at three and one-half miles, crossing Grice Creek near Auther Powers at five and three-quarter miles, in all seven miles to Montgomery County line, to Station 98 in Montgomery County line, this being the line called for and established between the counties of Stewart and Houston by the Supreme Court of Tennessee in the case of W. L. Dunbar et al. vs. N. McKinnon et. al. on the twenty-ninth day of March, 1896.

SEC. 2. *Be it further enacted*, That all territory lying south of said line shall be included in Houston County, and all territory lying north of said line shall be included in Stewart County.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take

effect from and after its passage, the public welfare requiring it.

Passed February 18, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 127.

### SENATE BILL No. 204.

(By Mr. Cummings.)

AN ACT to amend an Act entitled "An Act to provide for the organization of corporation," being Chapter 142 of the Acts of 1875, approved March 23, 1875, so as to provide for the organization of corporations for water, electric-light, heat, and water-power companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 142 of the Acts of 1875, entitled "An Act to provide for the organization of corporations," passed March 19, 1875, be, and the same is hereby, amended so as to provide for the organization of water and electric-light, heat, and water-power companies.

SEC. 2. *Be it further enacted*, That the form of a charter for water and electric-light, heat, and water-power companies shall be as follows:

Be it known that . . . . (here insert the names of five or more persons over the age of twenty-one years) are hereby constituted a body politic by the name and style . . . . (here insert name of corporation), for the following purposes:

1. To improve and develop the water power of rivers and streams which are in fact navigable or unnavigable for generating, distributing, and selling

electricity and electrical and mechanical power for manufacturing light, heat, or any other purposes which electricity or electrical or mechanical power is now or may hereafter be applied in any manner or form whatsoever.

2. To establish and construct or acquire, by lease, purchase, or otherwise, waterworks for the purpose of supplying cities, towns, and villages with water for domestic, sanitary, manufacturing, or other purposes. For these purposes said company is hereby authorized and empowered to and invested with the privilege of constructing or acquiring from others, by purchase, lease, or otherwise, lands, rights of way, reservoirs, dams, canals, ditches, flumes, pipe lines, and such other works, plants, equipments, and appliances and appurtenances as may be necessary, useful, or appropriate for collecting, conveying, or utilizing the water for power, manufacturing, domestic, sanitary, and other uses. Each corporation chartered hereunder shall place and maintain in connection with such dams, reservoirs, or other works in navigable rivers and streams, sluiceways, locks, or other fixtures sufficient and so arranged as to permit logs, timber, lumber, and boats to pass around, through, or over same without any unreasonable delay or hindrance and without toll or charges. Before the work is commenced in any of the navigable streams of this State, the plan and details thereof shall be submitted to the War Department of the United States for its approval, and said War Department may at any time require such changes and alterations to be made in said works at the expense of said corporation organized hereunder as it may deem advisable and necessary in the interest of navigation, and all the work hereby authorized or permitted to be done shall be subject to the supervision and approval of the War Department of the United States or the engineers thereof in charge of the locality in which such dams or other works are located.

SEC. 3. *Be it further enacted*, That said corporation, after having first obtained permission from the governing authorities thereof, is hereby authorized and empowered to and invested with the privilege of extending and placing its electric wires, conduits, conductors, pipes, and pipe lines along, through, or

upon all or any of the streets, lanes, and alleys of the cities, towns, and villages in which it may now or hereafter operate under the provisions hereinafter [provided], and in, through, and along any and all of the roads, pikes, and public highways of the counties, and of erecting hydrants and fire plugs at suitable places along said streets, lanes, alleys, roads, pikes, and public highways for the purpose of supplying water, electricity, or electric or mechanical power to the inhabitants thereof for heat, light, manufacturing, domestic, or sanitary or other purposes, and for such purposes it may make any and all necessary excavations in and along the same after first obtaining permission from the governing authorities of the incorporated cities, towns, and villages, and when outside of any incorporated towns, of the governing authority of the county in which same is located; but all excavations shall be made in such manner as to give the least inconvenience to the public, and shall be replaced with all possible speed by and at the expense of the corporation chartered hereunder in as substantial manner as found before being excavated.

*SEC. 4. Be it further enacted,* That it may also contract with cities, towns, and villages, and with persons, firms, and corporations for supplying them with water, light, heat, electricity, electrical and mechanical powers, and any other article or thing which it may produce or handle.

*SEC. 5. Be it further enacted,* That any corporation organized hereunder is hereby authorized and empowered to acquire, by purchase, condemnation, or other proper method, the right to use, employ, and divert the water flowing and running into any stream or water course which may be necessary to the exercise of any of the powers of a public or quasipublic character herein granted to the said corporation; and whenever it shall be necessary to divert the water from any such stream or water course to be used for any of the purposes herein provided, the said corporation shall have the right to have the water to be so diverted and the land so to be used, over which it shall be conducted, condemned, and the value thereof assessed in the manner provided in Sections 1325 to 1348 of the Code of Tennessee; and it may in like manner take such land,

water, and riparian rights, and such rights of way as may be necessary for establishing and maintaining its power houses, canals, flumes, conduits, pipe lines, ponds, dams, reservoirs, and other works, and the rights of way to any and all lands between its ponds, dams, and reservoirs and power houses, and the cities, towns, and villages and other points at which its light, heat, water, electricity, and electrical and mechanical power may be transmitted, consumed, or disposed of as may be necessary to place its electric wires, conductors, conduits, ditches, canals, flumes, pipe lines, and transmission lines either above or underground, and may at any time enter thereon and repair same, or, when deemed necessary or advisable, to place additional equipment, appliances, or appurtenances; but in all cases same shall be done in such manner and with such haste as to do as little injury to private property as possible.

SEC. 6. *Be it further enacted*, That it shall be unlawful for any person to injure or destroy any of the wires, pipes, fixtures, or other property of said company, or to turn on water or electricity, or to make any connection with the wires, pipes, or other fixtures after the same has been shut off, stopped, or disconnected by the company. It shall also be unlawful for any person to take or use any water, electricity, or other thing belonging to the company for any purpose without having previously contracted with the company therefor. It shall also be unlawful for any person to willfully corrupt or permit anything to run or fall into any stream or reservoir from which the corporation takes water for the purpose of supplying any city, town, or village, or the inhabitants thereof, which will corrupt the same or render it unpalatable, unwholesome, or unfit for use for any purpose for which it may be supplied, or to bathe in or lead any animal into the same.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$10 nor more than \$50, one-half of such fine to go to the informer. In addition to the above fine, he shall also be civilly liable to the corporation for all damages incurred by reason of his unlawful act.

SEC. 7. *Be it further enacted*, That the general powers and restrictions of said corporation shall be



as set out in Section 5 of Chapter 142 of the Acts of Tennessee of 1875.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 128.

### SENATE BILL No. 208.

(By Mr. Cooper.)

AN ACT to amend Chapter 258 of the Acts of Tennessee of 1901, entitled "An Act to incorporate the town of Sweetwater, in Monroe County, Tenn., and to provide for the government thereof; to establish a school district therein; to authorize said corporation to borrow money and issue bonds for corporate purposes; to provide for the election of officers, prescribe their duties, and for other purposes," so as to provide for and establish a system of public schools within said corporation; and to provide for calling an election and to issue bonds for the purpose of raising funds to buy, build, and improve property for public-school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act passed April 1, 1901, and approved April 5, 1901, being Chapter 258 of said Acts of 1901, be, and the same is hereby, so amended as to add to the powers of said corporation conferred by Article X., Sections 1 and 2 of said Act, as follows:

1. The Board of Mayor and Aldermen of said town shall have the power to provide for and establish a system of free schools for all classes of chil-

dren in said town as hereinafter provided, between the ages of six and twenty-one years, and to regulate the same.

School tax.

2. To levy and collect a tax for public-school purposes upon all property within the town taxable under the laws of the State, and also upon all taxable polls and privileges, said tax not to exceed fifty cents in each hundred dollars ad valorem, and shall not exceed one dollar on each poll, and not more than fifty per cent of the amount of the privilege collected by the State or collectible by the State upon each privilege collected within said town of Sweetwater, the property assessments to be made each year in the same way that the municipal authorities of said town of Sweetwater make their assessments.

Board of Education.

3. Said Board of Mayor and Aldermen shall elect and appoint a Board of Education, to consist of three male freeholders and taxpayers, residents of the town, who are heads of families and able to read and write, who shall be sworn to honestly and faithfully discharge their duties as such Board of Education, and who shall hold their offices for two years, and until their successors are appointed and qualified.

The first election or appointment of the Board of Education shall be on the second Tuesday of July, 1909, and thereafter on the second Tuesday of July every two years.

Duties of.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Board of Education to organize within ten days next after their election or appointment by the election of one of their members as Chairman and one as Secretary and Treasurer of said Board, all of whom shall serve without salary, except the Secretary and Treasurer of said Board, whose salary shall be fixed by the Board of Mayor and Aldermen, and shall not exceed one hundred dollars (\$100) per year; to employ a Superintendent and fix his salary, and to employ teachers for any and all of said schools established within the corporate limits of said town of Sweetwater, and fix the salaries of such teachers and each of them; and, *provided, further*, that said Superintendent shall be a man of education and experience, capable of examining and passing upon the qualifications of all teachers in the schools to be taught within the said town

porate limits. Said Superintendent shall hold his office for a term of two years unless removed for good cause by said Board of Education.

**SEC. 3.** *Be it further enacted,* That the said Board of Education shall, on or before the first day of July in each year, make up and report in writing to the Board of Mayor and Aldermen the amount of money that will be needed to properly run the said schools within said town for the incoming year, together with the amount that will be received from the State on the general school fund collected for school purposes for all the schools of the State.

**SEC. 4.** *Be it further enacted,* That it shall be the duty of the Board of Mayor and Aldermen to levy a sufficient tax to meet such expenses, and to levy same as a special school tax to be kept separate from all other funds, and same shall be collected by the Recorder or regular Tax Collector within the corporate limits as other taxes are collected, and he shall receive the same pay and compensation as for collecting other taxes of said corporation, and it shall be the duty of said Recorder to report in writing each quarter to the Board of Education the moneys collected and disbursed, and show for what purposes same have been disbursed.

**SEC. 5.** *Be it further enacted,* That the said Board of Education shall have the power to purchase and rent grounds and buildings or erect buildings suitable for public-school purposes, taking the title of the Board of Education of the town of Sweetwater and its successors in office, and to sell or exchange such real estate when deemed advisable; *provided,* the purchase or sale of any school property or the erection of any material and permanent buildings shall be subject to the approval of the Board of Mayor and Aldermen.

**SEC. 6.** *Be it further enacted,* That it shall be the duty of the Board of Education to keep a well-bound book, in which shall be recorded all of the official acts of said Board and which shall be open to the inspection of the voters and taxpayers of the town at all reasonable hours; to make such arrangements with the directors or Board of Education of the adjoining school district for Monroe County in regard to pupils that may live near the line and may desire to attend said school as may be proper, and to keep separate schools for white and colored children.

SEC. 7. *Be it further enacted*, That no levy of any taxes for school purposes levied by the county of Monroe hereafter shall be effective against the property within the corporate limits of the town of Sweetwater, and it shall be the duty of the County Court Clerk in making up the tax list or book for the Trustee of said county not to put any levy of any school tax against any property within the corporate limits, or against any person, except as to any property said person may own outside the limits of the said town of Sweetwater living within the limits of the town of Sweetwater at the time of said assessment, the tenth day of January in each year; *provided, however*, that this shall not apply to taxes assessed for the year 1909.

School fund.

SEC. 8. *Be it further enacted*, That all moneys accruing from the State school fund due the Sweetwater District, or any district including any part of the limits of the town of Sweetwater, shall be paid directly by the State Superintendent to the Recorder or Treasurer or Tax Collector of the town of Sweetwater in proportion to the number of the scholastic population within the said town; *provided, however*, that no school money shall be paid over by the State Superintendent of Public Instruction to the Recorder, Treasurer, or Tax Collector of the town of Sweetwater until said town of Sweetwater, through its Board of Education, shall have returned to him the scholastic population of said town and made all other reports required of them in accordance with the general school laws of the State.

Warrants issued.

SEC. 9. *Be it further enacted*, That the said Board of Education shall, upon proper report that they may require, issue warrants to the teachers or Superintendent of all salaries and compensation, and for all legitimate and proper expenses of the school, and shall issue warrants upon any school fund within the said corporation for any grounds, buildings, or the erection of any buildings or for any other purpose for which any indebtedness may have accrued in the interest of the said public schools; *provided*, that said warrants shall be issued to and be made payable by the said Recorder and Tax Collector out of the funds so collected for school purposes as aforesaid. No money shall be paid out of said school



fund except on a regular order signed by two or more members of the said Board of Education.

SEC. 10. *Be it further enacted*, That the said Board of Education shall have the right to employ, contract with, and pay any or all teachers out of the school funds arising as aforesaid, and this shall be independent of and not under the control in any way of the County Superintendent or any County Board of Education or County School Board that may now exist in said county of Monroe or that may hereafter be elected or appointed within or for said county, and said Board of Education shall have the right to discharge or dismiss said Superintendent and any or all of said teachers for incompetency, bad conduct, improper deportment, or for any good and sufficient reason, upon giving to such Superintendent or teacher notice of five days to appear and show cause why he, she, or they should not be so dismissed.

SEC. 11. *Be it further enacted*, That the Board of Education may permit children living outside of the corporate limits of said town to attend said schools provided for in this bill by requiring such children, their parents, or guardians to pay tuition to said Board of Education or Superintendent, the rates and terms of tuition to be fixed by said Board, and the money so realized shall go into the school fund of the town; and when any such person living outside of the corporation shall attend or send to said school, and shall own property in the corporation limits of said town, and shall pay a school tax on the same to said corporation, the Board of Education may allow credit on the tuition account of such person to the extent of the school tax paid by such person to the corporation in the same year that such person may attend or send his child, children, or ward to said school; but no credit shall be allowed to such person on any tuition account for school taxes paid the corporation any other year than that in which such person shall send his child, children, or wards to said school, and no credit or benefit shall be allowed any such person for taxes paid in excess of such person's tuition account to said Board of Education; and, *provided, further*, that this said right shall not be transferable—that is, that no person shall have the right to said credit except the property owner's own children or wards; and, *pro-*

To permit  
children out-  
side of corpo-  
ration to at-  
tend school-

*vided*, that any tax collected on the property of any minor may be credited by his guardian as above indicated.

SEC. 12. *Be it further enacted*, That the Trustee of Monroe County is hereby required to pay to the Board of Education of the town of Sweetwater the pro rata part of the money that would belong to the school district included within the limits of the corporation of said town of Sweetwater from the taxes assessed for the year 1909, as if the schools were to be run regularly under the School Directors and the County School Board, as if this Act had not been passed, and the receipt of the Board of Education of the town of Sweetwater shall be his voucher, the same to be paid to said Board by installments proportionately as same is collected, the last installment to be paid not later than April 1, 1910.

SEC. 13. *Be it further enacted*, That the County School Board, the District Advisory Board, or the local Board of School Directors now holding said office within Monroe County shall turn over and deliver possession to the said Board of Education of the town of Sweetwater, Tenn., of all the property of every kind and nature, whether real estate, mixed property, or personal property now held by them lying in said town of Sweetwater.

To issue  
bonds—  
when.

SEC. 14. *Be it further enacted*, That the Board of Mayor and Aldermen of the town of Sweetwater is hereby authorized and given power and authority to submit to the qualified voters of said town of Sweetwater the question of whether or not the town shall issue bonds to an amount not exceeding twenty thousand dollars (\$20,000), the funds to be used for the purpose of paying off the present debt upon the public-school property and equipping the same or buying other school property or building additions thereto as the said Board of Education may see proper; and if the said election shall result in a majority of the votes cast at said election being for bonds, the same having been properly submitted according to the laws controlling elections, the Board of Mayor and Aldermen is then authorized to issue said bonds in an amount not to exceed twenty thousand dollars (\$20,000), in denominations of one hundred dollars (\$100) each, due and payable in ten, fifteen, and twenty years in equal installments, to

draw interest at five (5) per cent; and said Board of Mayor and Aldermen is hereby authorized to levy a bond tax sufficient to meet the interest on said bonds and create a sinking fund for the purpose of retiring said bonds, said tax not to exceed . . . cents (..) on the one hundred dollars' worth of taxable property.

SEC. 15. *Be it further enacted*, That said Board of Mayor and Aldermen, in calling said election, shall call the same by regular ordinances, and it shall be printed upon the tickets the words, "For Words [Bonds]" and "Against Bonds," and the said election shall be held under the election laws of the State, and the returns shall be made and canvassed by the said Board of Mayor and Aldermen at any regular meeting or in a called meeting as they may see proper, and proper entry made and action taken thereon according to the result of the election.

SEC. 16. *Be it further enacted*, That any tax receipts or poll tax or any other tax paid within the corporate limits shall be used, and shall be sufficient evidence to qualify the voters in all municipal elections where such tax receipts as evidence of payment of taxes shall be required under or by any of the election laws above referred to.

SEC. 17. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 18. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 129.

### SENATE BILL No. 244.

(By Mr. Fort.)

AN ACT entitled "An Act to repeal Chapter 407 of the Acts of the General Assembly of Tennessee of 1905, entitled 'An Act to incorporate the town of Adams.'"

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 407 of the Acts of the General Assembly of the State of Tennessee of 1905, entitled "An Act to incorporate the town of Adams," known as the "Charter of the Town of Adams," in Robertson County, Tenn., be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 130.

### SENATE BILL No. 245.

(By Mr. Fort.)

AN ACT entitled "An Act to incorporate the town of Adams, Robertson County, Tenn., and the inhabitants thereof, and to provide for the government and control of the same; and to define the corporate limits and the powers and duties of said municipal corporation."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Adams, in the county of Robertson, and State of Tennessee, and the inhabitants thereof, within the boundaries hereinafter set out, are hereby constituted a body politic and corporate by the name and style of the "Board of Mayor and Aldermen of the Town of Adams," and by that name shall have perpetual succession; may use a common seal, and may alter it at pleasure; may sue and be sued, plead and be impleaded in all the courts of law and equity in all actions whatever; may purchase, receive, and hold property, real and personal, within or without said town for corporation purposes, and sell or dispose of such property for the benefit of the corporation, and do all other things touching the same as a natural person may do.

SEC. 2. *Be it further enacted*, That the boundaries Boundaries. of said town of Adams, Tenn., shall be as follows:

Beginning at a large wild cherry tree standing on the east side of the county road leading from Adams to Sadlersville, runs thence south 60 1-2° east 58 1-2 poles to a point 3 1-2 poles west of the center of a drain; thence south 3° west, crossing the road leading from Adams to Springfield at 53.56 poles, continued on in all 112 poles to a point in the center of the main track of the Louisville and Nashville Railroad; thence south 74° west 175 poles to a wild cherry tree standing on the west side of the Adams and Glenraven Road, Head's southeast corner; thence west with Head's south boundary 48 poles to a stone, Mrs. Mary E. Jett's

southwest corner, also Sory's corner; thence north with Mrs. Jett's west boundary line 14 poles to a stone, Mrs. Jett's northwest corner and Mrs. Strange's southwest corner; thence north 30 1-4° west 30 4-5 poles to a point south of and near the Port Royal Road; thence north 14° west, passing the center of said road at 1 pole, continued on crossing the road leading to Woodruff's at 123 3-5 poles, continued on crossing the new line of the Louisville and Nashville Railroad at 132 3-4 poles, continued on crossing the old line of the Louisville and Nashville Railroad at 185 poles, continued on in all 186 2-5 poles to a point just north of the old track of the Louisville and Nashville Railroad; thence north 74° east 144 poles to a peach tree northeast from the chimney of Mrs. Winter's residence; thence south 51 3-4° east 110 poles to the beginning.

Adjoining  
territory—  
now added.

SEC. 3. *Be it further enacted*, That territory adjoining said town may be added thereto and included in the corporate limits thereof as follows: Six citizens, resident freeholders in the territory proposed to be added and included in the corporate limits of said town, shall sign a petition in writing under their signatures, in which shall be described by metes and bounds the particular territory proposed to be added and included, and shall submit the same to the Board of Mayor and Aldermen of said town for consent and approval; and if said Board of Mayor and Aldermen consent, and if a majority of the citizens who are legally qualified voters in said territory consent, the said territory shall become a part of said corporation; and to test the sense of the voters in said territory and obtain their consent, or the consent of a majority of them, an election shall be held at some convenient and public place in said territory, and each voter entitled to vote in State and county elections, who shall have resided in said territory for more than six months, and each non-resident freeholders who shall be a citizen of the State of Tennessee, and shall have owned a freehold in said territory for more than six months previous to said election, shall be a qualified voter, and no others shall be; and the Election Commissioners for Robertson County or other body or person legally authorized to hold elections in said county shall hold the election; shall give twenty days' notice of the

time, place, and purpose of the election; and shall appoint Judges and Clerks to aid in said election, and shall make a return of the result to the Board of Mayor and Aldermen of said town; and if a majority of the qualified voters in said territory be in favor of the addition and incorporation with said town, then said territory shall become a part of said town; *provided, however,* nothing in this section shall, or be understood to, preclude the General Assembly of the State of Tennessee from enlarging or diminishing the boundaries of said town.

SEC. 4. *Be it further enacted,* That the corporate authority of said town shall be vested in a Board of Mayor and Aldermen, and in such officers as may be appointed or elected in pursuance of law as otherwise provided in this charter. The legislative power of said corporation shall be exercised by the Board of Mayor and Aldermen, which shall be composed of a Mayor and six Aldermen, and no person shall be eligible for the office of Mayor and Alderman who is not a citizen of the State of Tennessee, and who has not been a resident of said town for at least one year immediately preceding his election; and should his residence in said town cease, his office shall become vacant. And before entering upon their respective duties, the Mayor and Aldermen-elect shall take an oath that they will faithfully and impartially discharge the duties pertaining to the office to the best of their skill and ability and without favor or partiality.

Board of  
Mayor and  
Aldermen.

SEC. 5. *Be it further enacted,* That the Board of Mayor and Aldermen shall judge of the qualification and election of its own members, determine its rules of procedure, and prescribe punishment of its members for nonattendance or disorderly conduct, and enforce the same, and, two-thirds of the members of said Board concurring, it may expel a member for improper conduct while in office. A majority of the members of said Board shall constitute a quorum for the transaction of business. In case of death, resignation, or removal of the Mayor or any Alderman of said Board, said Board shall have power to fill the vacancy until the next regular election for the Board of Mayor and Aldermen.

SEC. 6. *Be it further enacted,* That said Board of Mayor and Aldermen shall hold its meetings at such

Time of  
meetings.

times as it may determine, not exceeding two regular meetings per month; but a special meeting of the Board may be called at any time by written notice by the Mayor, or, in case of his failure to act, or absence, by three Aldermen, when the public interest requires it. Such call shall state the purpose of the meeting, and no business shall be acted upon or transacted at such special meeting except that which is mentioned in the call.

SEC. 7. *Be it further enacted,* That the Mayor shall preside at all meetings of the Board of Mayor and Aldermen; but in his absence the meeting may be called to order by the Recorder and one of the Aldermen elected by said Board to preside as Mayor pro tem at said meeting. The Mayor shall vote in all elections for all officers of the town, and in all cases where there is a tie. He is also vested with all the powers and duties of an Alderman. It shall be his duty to see that all ordinances of the town shall be duly enforced, respected, and observed. He shall examine all ordinances passed by the Board of Mayor and Aldermen, should any of them not meet his approval, he shall return the same to the next regular meeting of said Board, with his objections thereto in writing, and no law or ordinance so vetoed by the Mayor shall go into effect unless the same be again passed by a majority of the whole number of the Board. No bill shall become a law or ordinance without having been passed on two several [separate] readings by a majority vote, both of which shall not be at the same meeting, and signed by the Mayor. If the Mayor fail to return any law or ordinance to the next regular meeting of the Board after its passage, it shall become a law without his signature. The Mayor shall have power to make temporary appointments, to fill vacancies occasioned by sickness, absence, or other disability of any city officer, except an Alderman, and to temporarily suspend any city officer, except an Alderman, for misconduct in office, pending the action of the Board, reporting his action, with his reason therefor, in writing to the next meeting of the Board. He shall at least once in every six months cause to be presented to the Board of Mayor and Aldermen a complete statement of the financial condition of the town, and he shall from time to time communicate

to the Board of Mayor and Aldermen such information and suggest such measures as may in his judgment tend to the improvement of the general interest and welfare of the town. He shall perform such other duties as may be required of him by ordinance. He shall have power to bid in property at all tax and judicial sales where the town is a party.

SEC. 8. *Be it further enacted*, That the Board of <sup>Powers of.</sup> Mayor and Aldermen shall have power by ordinance:

1. To levy and collect taxes upon all property taxable under the laws of the State of Tennessee for State purposes.

2. To levy and collect taxes upon all privileges taxable by the laws of the State.

3. To levy and collect poll taxes.

4. To appropriate money and provide for the payment of the debts and expenses of the town.

5. To fix the salaries of all officers and employees of said town, and provide for the payment of the same.

6. To make regulations to secure the general health and safety of the inhabitants of the town, and to declare, prevent, and remove nuisances.

7. To provide for the appointment of a police force, fix their pay; to impose fines, forfeitures, and penalties for the breach of any city ordinance, but no penalty shall exceed fifty dollars.

8. To establish and regulate and provide for the maintenance of and maintain a system of free schools, but so as to avoid sectarian influence.

9. To license, tax, and regulate auctioneers, grocers, merchants, retailers, taverns, brokers, confectioners, hawkers, peddlers, livery stable keepers, and all other privileges taxable by the State.

10. To license, tax, and regulate hackney carriages, carts, omnibuses, wagons, and drays, and fix the rate to be charged for carriage of persons and property within the town.

11. To license, tax, and regulate theatrical and other exhibitions, and to suppress immoral or vicious theatrical or other exhibitions.

12. To prohibit and suppress all gambling houses, disorderly houses, and bawdy houses, and obscene pictures and literature.

13. To prohibit and suppress the sale of spiritous, vinous, malt, or other intoxicating liquors.

14. To regulate, restrain, or prevent the carrying on of manufactories dangerous in causing or producing fires, and to regulate and suppress the sale of firearms and prevent and suppress the selling and carrying of pistols, Bowie knives, dirks, or other deadly weapons.

15. To regulate the storage of powder, tar, pitch, resin, saltpeter, gun cotton, coal oil, and all explosives and inflammable material, and to regulate or suppress the sale of firecrackers, toy pistols, fireworks, and all explosives.

16. To regulate the use of lights, lamps, electric wiring, steam, gas, or hot-air pipes in all factories, shops, or other buildings or places.

17. To establish fire districts and prevent the erection of wooden buildings and buildings covered with combustible materials therein.

18. To prevent the dangerous construction and condition of buildings, chimneys, flues, fireplaces, hearths, stoves, stovepipes, ovens, boilers, and apparatus, and to cause the same to be removed or placed in a safe or secure condition when considered dangerous, and to make such general regulations for the prevention and extinguishment of fires as the Board of Mayor and Aldermen may deem expedient, and to establish fire companies.

19. To regulate the size, number, and manner of construction of doors and stairways in all public halls and other buildings used for the gathering of a large number of people, whether now built or hereafter to be built, so that there may be convenient, safe, and speedy exit in case of fire.

20. To provide the town with water and lights; to erect hydrants and pumps; to construct reservoirs, standpipes, and power houses; to lay pipes for the conducting and distributing the water over the town; to erect wire lines and poles or conduits for carriage of current; to keep the same in repair; to lay pipes and conduits for the purpose of bringing water from streams, reservoirs, or standpipes, and string wire, erect poles, and lay conduits from power houses for the purpose of conducting current into the town for the use of the inhabitants thereof in such way and manner as shall be deemed for the best interest of the town, and to keep the same in repair; to hold by gift or acquire by purchase or condemna-

tion proceedings, under the general laws of this State, rights of way for water pipes or conduits and wire lines to and from convenient water supply and power houses, and sites for the erection of stand-pipes, reservoirs, pumping stations, intakes, and power houses, either within or without the corporate limits, and to maintain the same.

21. To erect and maintain pesthouses within or without the corporate limits of the town, to construct sewers within and leading out of and from said town, and for both of said purposes said town shall have a right to acquire by purchase, receive by gift, or procure by condemnation proceedings, as authorized by the laws of the State of Tennessee, land and rights of way.

22. To establish and enforce quarantine laws and regulations for the preservation of the health of the citizens of the town, and to enforce the same; to prevent the introduction and spreading of contagious diseases; to establish and regulate hospitals and secure the general health of the inhabitants by any reasonable means necessary.

23. To provide for lighting the streets and public grounds and buildings by gas, electricity, or other means, and to maintain such lighting.

24. To provide for and regulate the inspection of meats, vegetables, and other provisions, and of butter and milk, and of oils and other spirits; and to establish and regulate markets.

25. To impose fines, forfeitures, and penalties for the violation of any ordinance, and to provide for their recovery.

26. To provide for the arrest, imprisonment, and punishment of all riotous and disorderly persons within the corporation, and for the punishment of all breaches of the peace, noise, disturbance, and disorderly assemblies by day or by night.

27. To pass all ordinances necessary for the health, convenience, and safety of the citizens of said town, to carry out the full intent and meaning of this Act, and to accomplish the objects of this corporation.

28. To regulate, tax, license, or suppress the keeping and going at large of all animals within the town; to impound the same, and in default of redemption in pursuance of ordinance, to sell or kill the same.

29. To open, alter, abolish, widen, extend, estab-

lish, grade, pave, or otherwise improve, clean, and keep in repair streets, avenues, lanes, alleys, sidewalks, squares, parks, promenades, bridges, culverts, sewers, and gutters; and to erect, establish, and keep all necessary buildings for the use of the town; and to make all necessary provisions for the maintenance, regulation, and improvement of the same, and to make all necessary appropriations for said purposes; and to take and appropriate grounds for widening streets or any part thereof, or for laying out new streets, avenues, squares, parks, and promenades, when the public convenience requires it, under the provisions of the laws of the State of Tennessee.

30. To grant the right of way through streets, avenues, and squares of said town for the purpose of street railroads or other railroads, electric-light systems, telephone systems, water and gas mains, or for other purposes.

31. To regulate and provide for the construction and repair of sidewalks and foot pavements, and after having provided by general ordinance for sidewalks, shall have power by ordinance to appoint a Sidewalk Committee, which committee is hereby authorized to direct where and within what period of time sidewalks shall be built by the owners of property fronting on the streets of the town of Adams; and if the owner or owners of any lot or lots shall fail to comply with the provisions of such ordinance, the Board of Mayor and Aldermen may contract for the construction and repair of such sidewalks or pavements, and the town shall pay for the same, and the amount so paid shall become a legal liability against the owner or owners of such lot or lots, and the amount so paid shall be a lien upon said lot or lots for a period of one year from the date of the completion of said sidewalks or pavements and until the termination of any suit or suits brought within said period of time to enforce such lien, and said lien may be enforced by attachment in law or equity, or the amount may be recovered against said owner before any court of competent jurisdiction.

32. To regulate the speed of trains and locomotive engines within the limits of said town, and to direct and control the location of railroad and car tracks in said town; and to require railroad companies to construct, at their own expense, such bridges and



approaches, tunnels, or other conveniences at public crossings, and such viaducts and their approaches over their tracks, where the same cross or extend along the public highways or streets of said town, and to put such streets in such condition and state of repair as not to interfere with the free and proper use of such street or crossing, as the Board of Mayor and Aldermen may deem necessary.

33. To erect and maintain a workhouse or jail in or near the town; *provided, however*, the same shall be fireproof and constructed in substantial and comfortable manner, and all persons detained in such workhouse or jail shall be sufficiently and substantially fed and cared for. In the absence of such workhouse or jail, it shall be the duty of the jailer of Robertson County to receive all persons committed to his charge by the officials of said town and keep such person or persons until demanded by the proper officers of said town to be released or delivered to them, or until such person or persons are otherwise lawfully discharged; and it shall be the duty of said jailer to feed and care for such persons so committed to his keeping in the same manner as is his duty toward State prisoners in like cases; and for such services said jailer shall be compensated by said town in like amount as for State prisoners; and all persons so confined for the payment of any fine and costs assessed against them shall be allowed forty cents per day on such fine and costs for each day's confinement, and shall perform such labor as their physical condition will permit.

SEC. 9. *Be it further enacted*, That the Board of Mayor and Aldermen are forbidden to make any appropriation of money or credit in the way of donations for festivities, pageants, excursions, or parades, nor shall they be authorized to subscribe for stock in any railroad company or other corporation, or give or lend any money, aid, or credit to any person or corporation whatever, and they are hereby prohibited from employing or appropriating the revenues and taxes in any other manner than for purposes strictly municipal and local and according to the provisions of this Act.

SEC. 10. *Be it further enacted*, That the Board of Mayor and Aldermen shall by ordinance determine the number of standing committees, the number of

Committees—  
number of.

members of which each committee shall be composed, and shall designate the character and duties of each. The Mayor shall appoint said committees.

SEC. 11. *Be it further enacted*, That the Board of Mayor and Aldermen shall not exempt from taxation any property not exempt from State taxation.

SEC. 12. *Be it further enacted*, That all ordinances shall begin by an enacting clause as follows: "Be it enacted by the Board of Mayor and Aldermen of the town of Adams," and shall conclude with the provision that "This ordinance shall take effect from and after its passage, the welfare of the town requiring it," otherwise the same shall not take effect until twenty days after its passage.

SEC. 13. *Be it further enacted*, That the first election for Mayor and Aldermen under this Act shall be held at the regular polling place in said town of Adams on the first Saturday in May, 1909, and biennially thereafter. Said election shall be held by the same officers who are authorized to hold State and county elections, and notice of the time and place of holding said elections shall be given by printed handbills to be posted up for at least ten days and in at least five public places in said town before each election. The following shall be the qualifications for voting in all town elections: The voter shall be a legally qualified voter for State and county officers of the State of Tennessee, and shall have resided within the corporation six (6) months next preceding the election at which he offers to vote, or he shall be the bona fide owner of a freehold estate of the value of fifty dollars (\$50) lying within the corporate limits, and shall have been such freeholder six months next preceding the election in which he offers to vote; but no nonresident of Tennessee shall vote in said election. The officers holding the election shall canvass the vote within three days following each election and deliver to each officer elected a certificate of his election. The person receiving the highest number of votes for Mayor shall be declared elected Mayor of said corporation, and shall also be one of the Aldermen of said town, and the six persons receiving the highest number of votes for Aldermen shall be declared elected Aldermen.

Said Board of Mayor and Aldermen so elected shall meet on the following Saturday after their elec-

tion, to which meeting each member of said Board of Mayor and Aldermen shall present his certificate of election, and a record shall be made of the same on the minutes of the Board; and each officer so elected shall hold his office for a term of two years, and until the election or appointment and qualification of his successor.

SEC. 14. *Be it further enacted*, That said Board of Mayor and Aldermen at their first meeting after their election shall elect a Recorder, Treasurer, and Town Marshal for said town, and such officers so elected shall hold their respective offices for a period of two years from the date of their induction into office, or until their successors are elected, appointed, and qualified, unless sooner removed or discharged by the Board, and they shall be inducted into office in the same manner as the Mayor and Aldermen elect; and said officers shall be subject to such penalties and restrictions or conditions as are herein provided, or as may be prescribed by the laws or ordinances of said town; and in case of a vacancy in any of said offices by death, removal, resignation, or otherwise, the vacancy shall be filled for the unexpired term by the Board of Mayor and Aldermen.

Said Treasurer shall be from among the number of the Board of Mayor and Aldermen. Said Treasurer shall have charge of all moneys of the corporation or town, and shall execute bond, with good security, for the faithful discharge of the duties pertaining to his office, and shall make such reports as may be required of him by the Mayor or by the Board.

Said Treasurer shall receive from the Marshal and Recorder, receipt for, take care of, and keep a proper account of and pay over according to law all funds of whatsoever nature that may come into his hands.

Said Marshal and Recorder shall execute such bond as may be required of them by the Board, and perform such duties as may be imposed upon them under this Act or by the laws and ordinances of said town, and make such reports as may be required of them by the Board.

SEC. 15. *Be it further enacted*, That a Recorder's Court is hereby established, and the Recorder is hereby vested with all the powers of a Justice of the

Recorders'  
Court—  
powers of.

Peace of Robertson County, Tenn., in criminal cases. He shall try all offenses for violations of the ordinances of said town of Adams; *provided, however*, that a change of venue may be had to the Mayor in any case when affidavit is made by the accused and at least two disinterested and reputable citizens of said town that justice in their opinion will not be meted out by the Recorder to the defendant, or when the Recorder is sick, absent, or incompetent from any cause to try said cases; and the Mayor, after such change of venue, is hereby authorized to try and decide such case or cases.

SEC. 16. *Be it further enacted*, That in the absence of the Recorder any Justice of the Peace for Robertson County, residing within the civil district where said town of Adams is situated, shall have the right to issue a warrant for the arrest and detention of any person violating any of the laws or ordinances of said town; and in the absence of the Town Marshal or other town officer authorized by its ordinances to make arrests the Sheriff of Robertson County or any of his deputies or any constable of said county shall have the right, and it is hereby made his duty, to execute such process and make arrests thereunder.

SEC. 17. *Be it further enacted*, That all persons shall be given speedy and public trial for all offenses or violations of the laws or ordinances of said town. Excessive fine shall not be imposed, and in no case and for no offense or violation of any law or ordinance of said town shall the fine exceed fifty dollars.

Right to  
appeal.

An appeal shall lie from any judgment of said courts of said town in all cases to the Circuit Court of Robertson County, Tenn., upon the person so appealing giving bond, with good security, for the payment of such fine and costs as may have been assessed against him, payable on condition that said Circuit Court affirm the assessment of such fine and costs against him, or upon the execution of bond in the sum of \$100 for his appearance at the term of the Circuit Court to which said appeal is taken, conditioned that he will not depart the court without leave, and in no case shall appeal be granted on the pauper's oath; or upon the failure of such person to execute either of such bonds, he may be detained in the workhouse or jail of such town or placed in

the custody of the jailer of Robertson County to await the action of the Circuit Court.

SEC. 18. *Be it further enacted*, That the Recorder shall keep accurate minute of all the proceedings of the Board of Mayor and Aldermen, issue privilege license, and collect taxes on the same, and shall keep a proper ledger account of the same. He shall assess the taxable property of the town, except privileges, assessing all property liable to taxation by the laws of the State of Tennessee, and poll taxes, and shall make said assessment in accordance with the laws in force for the year for which such assessment is made, and shall make report thereof to the first meeting of the Board of Mayor and Aldermen in March each year, and said Board of Mayor and Aldermen shall examine said assessment, equalize, and correct the same in such manner as may be provided by ordinance, and shall return to the Recorder said assessment list with the corrections, who shall, on or before the first Monday in May of each year, make out the tax books of the town and deliver the same to the Town Marshal for collection, charging him with the tax aggregate and taking his receipts therefor, upon the Marshal's executing bond in proper amount, with good security.

Recorder—  
duties of.

SEC. 19. *Be it further enacted*, That the Board of Mayor and Aldermen shall have power to provide by ordinance when taxes shall be due, the manner of collecting them, and shall have all the power given by the State law for the collection of taxes on both real and personal property. Merchants and privileges shall be taxed and taxes on same levied and collected as provided by ordinance.

Taxes—when  
due, etc.

SEC. 20. *Be it further enacted*, That the Recorder shall have supervision over and care of the town property, unless otherwise provided by ordinance, and the fees of said Recorder and the Town Marshal shall be such fees as Justices of the Peace and constables are authorized by the laws of the State for rendering judgment, service of process, etc., in criminal cases, and such fees shall be paid into the Treasurer.

Recorder and  
Town  
Marshal—

SEC. 21. *Be it further enacted*, That the municipal corporation of the town of Adams, created by this Act, or the Mayor and Aldermen of said corporation, for the use and benefit of said corporation and the

Title of  
proper v—

inhabitants thereof, shall succeed to and take all the property—real, personal, and mixed—of every kind and character owned, managed, or controlled by the old or former corporation of the town of Adams, which was incorporated by the General Assembly of the State of Tennessee of 1905, said Act of incorporation being Chapter 407, Acts of 1905, entitled “An Act to incorporate the town of Adams,” which charter or Act was repealed by an Act of the present General Assembly, and the title to the same is hereby divested out of said old or former corporation and the Mayor and Aldermen thereof and the inhabitants thereof, and vested in the new municipal corporation created by this Act, and the said corporation created by this Act shall succeed to and be charged with and liable for the payment of all debts and liabilities of every kind and character contracted by and outstanding against said old or former corporation of the town of Adams, and said new corporation created by this Act is hereby empowered, and it is made its duty, to levy and collect taxes for the payment of said debts and liabilities.

All valid laws  
to hold good  
until re-  
pealed.

SEC. 22. *Be it further enacted*, That all valid laws, ordinances, by-laws, and resolutions heretofore enacted by said old or former corporation of the town of Adams or the Board of Mayor and Aldermen of said town and in force at the time of the repeal of its charter by Act of the present General Assembly shall be deemed and treated as the laws, ordinances, by-laws, and resolutions of the present corporation created by this Act, except in so far as they conflict with the provisions of this Act, and shall govern said new corporation and the inhabitants thereof until changed, modified, or repealed by the Board of Mayor and Aldermen of said new corporation.

And S. S. Farmer shall be Mayor, and H. J. Head, J. B. Sugg, Dr. J. R. Connell, J. H. Clinard, E. W. Robertson, and J. E. Batts shall be Aldermen of said town of Adams; and G. W. Ogg shall be Marshal, G. B. Moody shall be Recorder, and . . . . ., Treasurer of said town of Adams until their successors shall be elected or appointed and qualified as provided for in this Act. and said officers shall have and exercise all the powers, duties, and privileges prescribed for them in this Act.

SEC. 23. *Be it further enacted*, That this Act is de-

clared to be a public Act, and may be read in evidence in all courts of law and equity; and all ordinances, resolutions, and proceedings of the town may be proved by the seal of the corporation, attested by the Recorder, or by the production of the minutes of the Board of Mayor and Aldermen upon which they are entered; and when printed and published by authority of the Board of Mayor and Aldermen, the same shall be received in evidence by all courts of the State without further proof.

SEC. 24. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 131.

### SENATE BILL No. 262.

(By Messrs. Lane and Sugg.)

AN ACT to be entitled An Act to amend an Act entitled "An Act to regulate the practice of Optometry in the State of Tennessee, and to punish violators thereof," said Act being Chapter 39 of the Acts of the General Assembly of the State of Tennessee, passed February 6, 1907, and approved February 12, 1907.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act entitled "An Act to regulate the practice of Optometry in the State of Tennessee, and to punish violators there-

of," and being Chapter 39 of the Acts of the General Assembly of the State of Tennessee, passed February 6, 1907, and approved February 12, 1907, be, and the same is hereby, amended as follows: The practice of Optometry is hereby defined to be the employment of any means other than the use of drugs for the measurement of the powers of vision and the adoption of lenses for the aid thereof, embracing graduated test type on charts or cards, use of trial lenses, or other scientifically constructed instruments that reveal the static and refractive conditions of the eye and make known the proper correction.

Fees of Board.

SEC. 2. *Be it further enacted*, That Section 7 of said Act entitled "An Act to regulate the practice of Optometry in the State of Tennessee, and to punish violators thereof," passed February 6, 1907, and approved February 12, 1907, be, and the same is hereby, amended so as to make the fees said Board of Examiners are entitled to collect as follows: For examining each applicant for license, \$15; for each certificate issued, \$10.

Certificate to be recorded.

SEC. 3. *Be it further enacted*, That every person holding a certificate from the Board of Examiners, before attempting to practice Optometry in any county in this State, shall present himself in person to the County Court Clerk of said county and be properly identified as the identical person named in said certificate and have said certificate recorded in the office of said County Court Clerk in a book kept by him for such purpose, for which the applicant shall pay a fee of \$2. Until such record is made, it shall be unlawful for the holder of such certificate to exercise any of the rights or privileges herein conferred to practice Optometry in said county.

SEC. 4. *Be it further enacted*, That the several County Court Clerks of this State shall keep in a book provided for the purpose a complete list of the certificates recorded by him, with the date of issue, date of record, and residence of the holder. If the certificate be based on a diploma, he shall record the name of the institution conferring it, and the date when conferred. On the first day of January of each year hereafter said Clerk shall make out and forward by mail to the Secretary of said Board of Examiners a full and complete copy of his said book for the preceding year, reporting all deaths and removals which may have occurred.



SEC. 5. *Be it further enacted*, That the Chairman of said Board of Examiners, upon application to him, and for good cause shown, and upon payment of a fee of \$2, shall have the power and authority to issue a temporary license to any person desiring to practice Optometry in any of the counties of this State, but such temporary license shall be valid only until the next regular or special meeting of said Board of Examiners.

SEC. 6. *Be it further enacted*, That any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$25 nor more than \$200 for each offense.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage, the welfare of the public requiring it.

Passed February 18, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 132.

### SENATE BILL No. 300.

(By Mr. Cummings.)

AN ACT entitled An Act to amend Chapter 352 of the Acts of the General Assembly of the State of Tennessee, published for the year 1899, which Act was approved on April 21, 1899, being entitled "An Act to create the office of County Attorney of Hamilton County, and to prescribe the duties thereof," be amended so as to fix the salary of the County Attorney of said county at the sum of fifteen hundred dollars (\$1,500) per annum instead of one thousand dollars (\$1,000) per annum, and to provide for the said change of salary to take effect immediately.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 352 of the Acts of the General Assembly of the State of Tennessee, published for the year 1899, which Act was approved April 21, 1899, and being entitled "An Act to create the office of County Attorney of Hamilton County, and to prescribe the duties thereof," be, and the same is hereby amended so that the salary of the said County Attorney shall be fixed at fifteen hundred dollars (\$1,500) per annum instead of one thousand dollars (\$1,000) per annum.

SEC. 2. *Be it further enacted*, That the said change of salary will apply to the present official holding the position of County Attorney of said county.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 4. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed February 19, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 133.

### SENATE BILL No. 302.

(By Mr. Mansfield.)

AN ACT to give and authorize any county in Tennessee having a population of not less than 17,630 and not more than 17,640, under the Federal census of 1900 or any subsequent census, additional power to acquire property for the purpose of owning and operating free ferries, and to provide for the manner of paying for the same when thus acquired.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the several counties of this State of a population of not less than 17,630 and of not more than 17,640 by the Federal census of 1900 or any subsequent Federal census, in addition to the power and authority now existing by law in relation thereto, shall have power to condemn such land as may be necessary for the construction of all necessary roads across river bottoms and up and down the river banks, and all the land at and near the river banks as may be necessary for the erection and maintenance of free ferries and all buildings that may be necessary for the successful operation of the same; and shall have power to condemn for the purpose of establishing free ferries, licensed ferries, paying the actual cash value of the property taken and all incidental damages that may result to the owner after deducting all incidental benefits,

but no damages shall be allowed for the loss of franchises.

SEC. 2. *Be it further enacted*, That the several counties in this State shall have power to appropriate money for the purpose of paying for all property taken as provided for in Section 1 of this Act.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 19, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 134.

### SENATE BILL No. 308.

(By Mr. Senter.)

AN ACT to amend an Act entitled "An Act to incorporate the town of Humboldt, in Gibson County, Tenn., and to confer powers on the said corporation, and to define its boundaries, and to provide for the government of said town, and the debts of said town contracted under a charter thereof, repealed in 1903, and for other purposes," the same being approved March 20, 1903, by the Governor, so as to authorize and empower the Board of Mayor and Aldermen of said town to provide by ordinances for the construction of sidewalks in said town at the expense of the property owners abutting streets and alleys in said town, and declaring a lien on such abutting property for the cost of constructing or repairing such sidewalks, and the manner of enforcing such liens; and also to authorize and empower the Board of Mayor and Aldermen of said town to provide by ordinance for the prevention and encroachments into or upon any street, alley, or other property of the said town; and to remove all obstructions from the streets, alleys, or other property of the city.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act of the Gen-

eral Assembly of the State of Tennessee, approved March 20, 1903, entitled "An Act to incorporate the town of Humboldt, in Gibson County, Tenn., and to confer powers on the said corporation, and to define its boundaries, and to provide for the government of said town, and the debts of the town contracted under a charter thereof and repealed in 1903, and for other purposes," be, and the same is hereby, amended so as to provide that the Board of Mayor and Aldermen of the said town of Humboldt be authorized and empowered to provide by ordinance for the construction of sidewalks in said town at the expense of the property owners abutting the streets and alleys of said town, and to provide by ordinance the material and character and kind of sidewalks to be constructed along the streets of said town, and the grade at which the same shall be constructed or repaired, and to determine by ordinance the width and grade of all such walks and pavements; and to provide by ordinance for a lien on the abutting property in front of which said walks may be required to be constructed or repaired for the cost and expenses of said construction of said walks and the manner of enforcing such liens and the time in which said walks shall be constructed by the owners of said abutting property, and the notice to be given to such owners, and to provide by ordinance for the removal of any obstruction or encroachments into or upon any streets, alleys, or other property of the said town, and to provide by ordinance such penalties for the violation of any such ordinance that may be passed by the Board of Mayor and Aldermen of said town.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 20, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 135.

### SENATE BILL No. 209.

(By Mr. Cooper.)

AN ACT to authorize and empower the Trustees of Sweetwater College, which is a chartered institution located at Sweetwater, Tenn., to issue and sell its first mortgage bonds to an amount not exceeding fifteen thousand dollars for the purpose of paying off its existing indebtedness, and for the purpose of buying extra land and erecting a new building.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Trustees of Sweetwater College, a chartered institution of learning located at Sweetwater, Tenn., in its corporate capacity, be, and the same is hereby, authorized and empowered to issue and sell its interest-bearing bonds to an amount not exceeding fifteen thousand dollars (\$15,000), out of the proceeds of which its indebtedness shall first all be paid, and the residue used for buying additional lands and erecting an additional building for college and educational purposes.

SEC. 2. *Be it further enacted*, That said Trustees of said Sweetwater College be, and the same are hereby, authorized to issue said bonds, not exceeding fifteen thousand dollars (\$15,000); to fix the time the same shall run, which shall not exceed fifteen (15) years; the denominations in which they shall be issued shall be one hundred dollars (\$100), or not exceeding five hundred dollars (\$500), and the rate of interest which they shall bear shall not exceed six (6) per cent per annum, the same to be payable annually.

SEC. 3. *Be it further enacted*, That said bonds shall be in the usual form of such bonds, shall be payable in lawful money of the United States, and shall be signed by the President and Treasurer of said Board of Trustees.

SEC. 4. *Be it further enacted*, That said bonds shall not be sold for less than par, and no commission shall be paid for selling the same.

SEC. 5. *Be it further enacted*, That said bonds,

when so issued, shall be a first mortgage lien upon said Sweetwater College building and grounds, which mortgage lien shall exist until all of said bonds and their interest have been fully paid.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 136.

### SENATE BILL No. 310.

(By Mr. Askew.)

AN ACT to authorize the Mayor and Aldermen of the city of Jackson to issue and sell its interest-bearing coupon bonds in the sum of \$45,000 for the purpose of refunding \$20,000 of its "City of Jackson Waterworks Bonds" and \$25,000 of interest-bearing notes now outstanding, and providing for their payment and redemption.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the city of Jackson, a municipal corporation created and organized under and by virtue of an Act of the General Assembly of the State of Tennessee, being Chapter 399 of the Acts of 1907, passed April 11, 1907, and approved April 15, 1907, be, and the said municipal corporation is hereby, empowered to issue and sell its interest-bearing coupon [bonds] in the amount of forty-five thousand dollars (\$45,000), to be known as "Jackson Refunding Bonds of 1909," which said bonds shall bear the corporate

name of the city affixed thereto by its Mayor and attested by its Recorder, or the corporate name of said city and the names of the Mayor and Recorder may be lithographed on said bonds.

Bonds—denominations,  
rate of interest,  
etc.

SEC. 2. *Be it further enacted*, That said bonds shall be issued in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), as the Legislative Council of said city may by ordinance provide, and shall run for a period not to exceed twenty (20) years from the date of issuance, and shall bear a rate of interest not to exceed four and one-half (4½) per cent per annum, said interest to be paid semiannually, and to be evidenced by coupons in the usual form.

SEC. 3. *Be it further enacted*, That the Legislative Council of said city shall have the power by ordinance or resolution to prescribe the manner in which said bonds shall be sold, but no bonds shall be sold for a price less than par. The said bonds, or the proceeds of the sale thereof, shall be used for the purpose of refunding and redeeming twenty thousand dollars (\$20,000) of the outstanding bonds of said city, known as the "City of Jackson Waterworks Bonds," issued by said city under the provisions of Chapter 252 of the Acts of 1883 of the General Assembly of Tennessee, and which will be subject to call on and after July 1, 1909; and also ten (10) notes of two thousand five hundred dollars (\$2,500) each, aggregating twenty-five thousand dollars (\$25,000), issued by said city under the authority of Chapter 126 of the Acts of 1905 of the General Assembly of Tennessee.

Interest and  
sinking fund  
tax.

SEC. 4. *Be it further enacted*, That the said municipal corporation is hereby authorized to levy and collect on all taxable property and privileges of said city an annual tax, in addition to all other municipal taxes, sufficient for the purpose of paying the interest on said bonds and for providing a sinking fund, which, with the accumulation, shall be sufficient, as nearly as may be estimated, for the redemption of said bonds at maturity; and that the Sinking Fund Commissioners heretofore elected or appointed by the Mayor and Aldermen of the said city pursuant to the Acts of the General Assembly of Tennessee, authorizing such appointment, shall receive from the collector of taxes all the taxes levied under the au-



thority herein granted, out of which they shall pay the interest on said bonds when due, and from time to time invest the balance of the funds in the said bonds at a price not to exceed the par value thereof and the accrued interest, or they may loan the said funds, if the Legislative Council of said city so directs, until the said bonds shall mature and become subject to redemption, whereupon the said Commissioners shall use said funds for the purpose of paying and redeeming said bonds, and the Sinking Fund Commissioners shall make settlement of their account in such manner and with such persons as the Council may by ordinance direct; *provided, however*, that whenever such bonds of the city are purchased or invested in by the Commissioners, they shall cancel or destroy the same in the presence of the Board of Mayor and Aldermen in regular or special session.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 137.

### HOUSE BILL No. 369.

(By Messrs. Leach and Whitfield.)

AN ACT to amend Chapter 64 of the Acts of 1903, being an Act to provide a system of highways and improved highways for the counties in the State having a population of not less than thirty-five thousand nor more than thirty-six thousand two hundred and fifty under the last or any subsequent Federal census; also to amend Chapter 17 of the Acts of 1905, being an Act amendatory to Chapter 64, Acts of 1903.

Applies to  
Montgomery  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Acts mentioned in the caption be so amended that hereafter there shall be a foreman for each road section in a county instead of one for each civil district as formerly. This section foreman shall be appointed by and remain under the supervision of the Highway Committee. He may or may not be a person subject to road duty, but shall not be compelled to serve unless so subject. He shall contribute free as many days' service as is required by law of the road hands of his section. Reasonable compensation for additional services may be allowed him by the Highway Committee. He shall give five days' written or printed notice of the time and place for the road hands of his section to assemble for work. These notices shall be posted at the center and each end of the highway to be worked, or as near these points as practicable. No other notice shall be given the road hands, and any person subject to work who shall fail to obey this notice shall be guilty of a misdemeanor, and, on conviction, fined five dollars and costs.

Road tax to be  
paid—when.

SEC. 2. *Be it further enacted*, That the rate of commutation shall be sixty cents per day, to be paid to the County Trustee on or before the first day of July of the year for which the service is due. After July 1 no commutation can be made, and all persons subject to road labor must work the highways in person, no substitute being allowed.

SEC. 3. *Be it further enacted*, That the ad valorem

tax for highway purposes shall remain as heretofore fixed by statute, but to this the County Court may add an additional tax of ten cents on the hundred dollars, to be prorated impartially among the various road sections of the county according to the length of highway in each section. Special tax.

SEC. 4. *Be it further enacted*, That it shall be the special duty of the road section foreman to keep the ditches clean on each side of the highway. Any foreman neglecting this duty shall be guilty of a misdemeanor, and, on conviction, fined not less than five nor more than twenty-five dollars for each offense; *provided*, no foreman shall be fined for two offenses of this nature committed within less than thirty days of each other. Section foreman—duties of.

SEC. 5. *Be it further enacted*, That any person placing telegraph or telephone poles or other obstruction of any kind in or so near a road ditch as to interrupt the free passage of water shall be guilty of a misdemeanor, and, on conviction, fined not less than five nor more than twenty-five dollars for each offense. Penalty to obstruct ditches.

SEC. 6. *Be it further enacted*, That any person who locks a wagon wheel or that of any other vehicle on any bridge of the county shall be guilty of a misdemeanor, and, on conviction, fined not less than five nor more than twenty-five dollars for each offense. Any person on horseback or in a vehicle going faster than a walk on any bridge in the county shall be guilty of a misdemeanor and fined as above provided.

SEC. 7. *Be it further enacted*, That all persons traveling highways with engines or machines weighing more than two and a half tons shall be required to carry four sound planks with each machine. These planks shall not be less than two inches thick, twelve inches broad, and ten feet long. In crossing any bridge or culvert, the planks shall be laid in front of the machine and the crossing done upon them. Any person neglecting this precaution shall be guilty of a misdemeanor, and, on conviction, fined not less than five nor more than twenty-five dollars for each offense. If any damage be inflicted, he may be fined to the extent of the damage, the money to be used in repairing the bridge or culvert. To protect bridges—when.

SEC. 8. *Be it further enacted*, That Section 14,

Chapter 64, Acts of 1903, be amended by adding the following after final clause: "And turnpikes which have come into the possession of the county by lapse of charter may be rebuilt or repaired upon same terms and conditions set forth above."

SEC. 9. *Be it further enacted*, That this Act shall only apply to the counties in this State having a population of not less than thirty-five thousand nor more than thirty-six thousand two hundred and fifty under the last or subsequent Federal census.

SEC. 10. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 138.

### HOUSE BILL No. 368.

(By Mr. Draper.)

AN ACT to be entitled An Act to approve, ratify, and confirm as legal and binding a bond issue made by the town of Gainesboro for \$6,000 for school purposes, and to approve and confirm the various ordinances enacted by the Board of Mayor and Aldermen of said town relating to said bond issue.

WHEREAS the town of Gainesboro by ordinance of its Board of Mayor and Aldermen, passed June 1, 1905, submitted to the qualified voters of said town, under and in accordance with the provision of Chapter 26 of the Acts of 1905, at a special election held at the voting place in said town on the eighth day of July, 1905, a proposition for the issuance and

sale of the bonds of said town to the amount of six thousand dollars, upon the terms and conditions stated and set out in said ordinance ordering said election and said Act of 1905, which election was duly and legally advertised as provided by law and said ordinance, and all the requirements of law and of said ordinance in regard to said election were fully complied with, said bonds to run for a term of twenty years and bearing six per cent interest per annum, as provided in said ordinance; and,

WHEREAS it was determined and found after said election by ordinance of said Board of Mayor and Aldermen of said town on the twenty-ninth day of July, 1905, that said election was in all respects fair and held in compliance with the law and said Act and ordinance; that 80 votes had been cast at said election; that 57 votes had been cast at said election in favor of the issuance of said bonds, and that 23 votes had been cast against the issuance of said bonds, and that more than two-thirds of the qualified voters of said town had voted in favor of said proposition to issue said bonds; and,

WHEREAS by ordinance thereafter passed by said Board of Mayor and Aldermen and approved by the Mayor of said town of Gainesboro, the said Mayor and Recorder of said town were authorized to issue said bonds in the name and on behalf of said town, and to sell the same, which bonds were accordingly issued and sold, with coupons attached, in compliance with the terms of said Act and said ordinances on the second day of April, 1906, in denominations of \$125 each, and with said attached coupons numbered 1 to 48, inclusive; and,

WHEREAS the Public School Board of said town in compliance with the law and directions of said Board of Mayor and Aldermen proceeded to and did erect the Gainesboro High School building in said town, which is now owned and in use by said town, and at which a public school has since and is now being kept and maintained by said town, which building was erected and paid for out of and with the proceeds of the sale of said bonds and on the faith thereof as provided in said Act and ordinances aforesaid; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said election by

the town of Gainesboro on a proposition to issue six thousand dollars schoolhouse bonds of said town, and the various ordinances in relation thereto, passed by the Board of Mayor and Aldermen of said town ordering said election and the ordinances approving and declaring same legally held and lawfully carried by a two-thirds majority of the legal voters of said town, which are mentioned in the preamble of this Act, be, and the same are hereby, in all things ratified, confirmed, and declared valid and binding and in accordance with the law.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 20, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved February 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 139.

### HOUSE BILL No. 253.

(By Mr. Crisman.)

A BILL to be entitled "An Act to authorize the town of Franklin, in Williamson County, to issue bonds for extending the water-works system of said town, and establishing in connection therewith a sewerage system."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Franklin, in Williamson County, be, and the same is hereby, authorized to issue its coupon bonds to an amount not exceeding the sum of thirty-five thousand dollars (\$35,000), in addition to such amounts as have here-

tofore been authorized, in such denominations as may be determined by the Mayor and Aldermen, having not less than ten nor more than thirty years to run, payable at some place to be designated by the Mayor and Board of Aldermen of said town, and bearing a rate of interest not greater than six per centum per annum, payable semiannually, for the purpose of extending the waterworks system of said town and establishing in connection therewith a sewerage system.

SEC. 2. *Be it further enacted*, That the bonds hereby authorized to be issued shall be used exclusively for the purpose mentioned in Section 1 of this Act, and for purchasing all grounds, rights of way, springs, mains, supply pipe, machinery, fixtures, tools, and materials of whatever kinds incident and necessary for the purposes named herein.

SEC. 3. *Be it further enacted*, That said town may use said bonds in whole or in part in payment for the extension of said waterworks, and in connection therewith a sewerage system in whole or in part, or it may sell said bonds in whole or in part and appropriate the proceeds to the payment of said extension of waterworks and a sewerage system in connection therewith in whole or in part; *provided*, that said bonds shall in no case be sold for less than par.

SEC. 4. *Be it further enacted*, That said town is hereby authorized to levy and collect an annual tax, in addition to all other municipal taxes, for the purpose of paying the interest on said bonds and providing for a fund for the redemption thereof at maturity, or for retiring the same, if the town so elect, at the expiration of such times as may be fixed by the ordinance providing for their issuance and designated on the face thereof. Special tax.

SEC. 5. *Be it further enacted*, That such bonds shall not be issued, and a tax for the payment of the same shall not be levied or collected, except upon an election to be first held by the qualified voters of said town, at which election the proposition to issue said bonds and levy said tax shall obtain the assent of two-thirds of the votes cast at said election. Such election shall be advertised at least twenty days prior thereto, either in some newspaper published in said town or by printed or typewritten handbills posted at different public places therein in such man- Election—  
when held.

ner as may be provided by appropriate corporate ordinance, and shall be held as other municipal elections in said town are held; *provided*, that if such proposition shall have been at any time rejected at an election for the purpose of obtaining the assent of the qualified voters thereto, said town may at any other time after ninety days proceed by ordinance to order another election, which shall be provided for and advertised and held in the same manner as provided for the election in the first instance.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 20, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 140.

### HOUSE BILL No. 220.

(By Mr. Carden.)

AN ACT to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the employment of convicts in this State.'"

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first section of Chapter 40 of the Acts of 1903, being Senate Bill No. 16, passed January 15, 1903, and approved January 27, 1903, be amended by striking out of the sixth line the following figures—to wit: "1909." The Prison Commissioners are hereby authorized to extend all existing contracts for the labor of the State's convicts until July 1, 1909.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 141.

### HOUSE BILL No. 175.

(By the Shelby County Delegation.)

AN ACT to authorize the city of Memphis to issue bonds in an amount not exceeding \$1,000,000 for the purpose of acquiring property for park purposes, and completing the system of parks, parkways, and boulevards of the city of Memphis.

Amount of  
bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of enabling the city of Memphis, acting through the Park Commission thereof, to acquire the property known as the "Southern Railway Company yards," in Memphis, Tenn., and such other property in the vicinity thereof as may in the judgment of the Park Commission be necessary for park or parkway purposes and to complete the park, parkway, and boulevard system of said city of Memphis, said city of Memphis is hereby authorized, by and through its Legislative Council, to issue negotiable bonds in an amount not to exceed one million dollars (\$1,000,000). Said bonds shall bear interest at the rate of not more than four and one-half ( $4\frac{1}{2}$ ) per cent per annum, payable semiannually, and shall be payable in not less than twenty nor more than fifty years after date in lawful money of the United States. The interest on said bonds shall be payable semiannually, and shall be evidenced by coupons attached to said bonds, and both principal and interest shall be payable at such place or places, within or without the State, as such Legislative Council may designate. Said bonds shall be of the denomination of one thousand dollars (\$1,000) each, and shall be signed by the Mayor and City Register of the city of Memphis, and said interest coupons shall bear the printed or lithographed facsimile of the signature of the Mayor.

Denomina-  
tions and  
interest.

SEC. 2. *Be it further enacted*, That said bonds may be in substantially the following form—to wit:

UNITED STATES OF AMERICA,  
STATE OF TENNESSEE,  
CITY OF MEMPHIS.  
PARK AND PARKWAY BONDS.

Form.

No. .... \$.....

Know all men by these presents that the city of Memphis, a municipal corporation organized and existing under the laws of the State of Tennessee, hereby acknowledges itself indebted and promises to pay bearer the sum of ..... dollars (\$....) on the .... day of ...., 19.., with interest thereon at the rate of .... per cent per annum, payable semianually, on the .... day of ...., and .... day of ...., on presentation and surrender of the coupons hereto annexed, as they severally become due, both principal and interest, in lawful money of the United States of America, at the City Hall in Memphis, Tenn., or, at the option of the holder, at the ...., in the city and State of New York. This bond is one of a series of bonds issued for the purpose of acquiring property for park purposes and completing a system of parks, parkways, and boulevards of the city of Memphis, pursuant to Chapter .... of the Acts of Tennessee for the year 1909. This bond is issued under and pursuant to and in strict conformity with the Constitution and statutes of the State of Tennessee and charter of said city of Memphis and amendments thereto and ordinances or proceedings duly passed and adopted. It is hereby certified, recited, and declared that all acts, conditions, and things required to be done, exist, happen, and be performed precedent to and in the issuance of this bond have been done, have existed, and have happened and been performed in regular and due form and manner as required by the Constitution and statutes of said State and the charter of said city, and that this bond, together with all other indebtedness of said city of Memphis, does not exceed any limit prescribed by the Constitution or statutes of said State or charter of said city.

The full faith and credit of said city of Memphis is hereby pledged for the payment of the principal and interest of this bond as the same respectively become due, and for the levy and collection of sufficient taxes for that purpose.

In witness whereof said city of Memphis has caused this bond to be signed by its Mayor and the City Register, and the corporate seal of said city to be affixed hereto, and the coupons attached to this bond to bear the engraved or lithographed signature of the Mayor, and this bond to be dated the .... day of ....., 19...

.....,  
Mayor.

.....,  
City Register.

(Form of coupon.)

No. .... \$.....

On the .... day of ....., 19..., the city of Memphis, State of Tennessee, will pay to bearer ..... dollars, lawful money of the United States, at the City Hall in Memphis, Tenn., or, at the option of the holder, at the ....., in the city and State of New York, being six months' interest then due on park and parkway bond of said city, dated ....., 19..., No. ...

.....,  
Mayor.

In case any of such officers whose signatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds.

Park Commission  
to sell  
bonds.

SEC. 3. *Be it further enacted*, That said bonds shall be sold by the Park Commission of said city of Memphis for the best terms offered at such times and at such amounts as the Park Commission determines; *provided*, that said bonds shall not be sold for less than par. The cost of printing and expenses of sale of said bonds and a brokerage or commission to the purchaser or others, not exceeding one-eighth of one per centum of the amount of bonds sold, may be paid out of the proceeds of sale of said bonds, whether the same are sold at par or above par. Said Park Commission shall have entire charge and control of the sale of said bonds, and the Mayor and City Register shall execute and deliver the same when called upon so to do by said Park Commission.

SEC. 4. *Be it further enacted*, That the entire proceeds of the sale of said bonds shall be paid over to

the Park Commission, and after the payment of the cost of printing and all expenses of the sale of said bonds, the proceeds of sale shall be used as follows:

1. Not more than the sum of five hundred thousand dollars (\$500,000) shall be used for the acquisition, by private negotiation or condemnation, of the property in the city of Memphis known as the "Southern Railway Company's yards," and such other property in the vicinity thereof as in the judgment of the Park Commission may be necessary for park purposes and parkways and boulevards in connection therewith; *provided*, that if said Southern Railway Company's yards cannot be acquired on terms reasonable and proper in the judgment of the Park Commission of said city of Memphis, bonds to the extent of five hundred thousand dollars (\$500,000) only shall be issued hereunder, and the proceeds thereof shall be used as hereinafter provided.

To acquire  
Southern  
Railway Co.'s  
yards.

2. The residue of the proceeds of sale of said bonds, or, in the event the said Southern Railway Company's yards cannot be acquired, as provided herein, then the proceeds of sale of bonds in the sum of five hundred thousand dollars (\$500,000) shall be used in completing the system of parks, parkways, and boulevards of the city of Memphis, and shall be used and expended by said Park Commission in such manner as it deems best for completing and perfecting said system.

SEC. 5. *Be it further enacted*, That said Park Commission so issuing bonds under this Act is hereby given irrevocable power and authority, and is directed to pay the interest on said bonds, evidenced by the coupons thereto attached, as the same matures, out of the taxes collected by said Park Commission under the existing law.

SEC. 6. *Be it further enacted*, That the city of Memphis is authorized to pledge its full faith and credit for the payment of the principal and interest of the bonds herein authorized according to their tenor, and it shall be the duty of the Legislative Council of the city of Memphis, in addition to all other taxes authorized by law, to levy a tax to pay said bonds and coupons at their maturity; *provided*, that the tax levied for said Park Commission shall not be sufficient to pay said bonds and coupons as they severally become due.

Special tax  
levy.

SEC. 7. *Be it further enacted*, That this Act shall, without reference to any other Act of the General Assembly of Tennessee, be full authority to the city of Memphis to issue and sell bonds as in this Act authorized, which bonds shall have all the qualities of negotiable paper under the law merchant, and shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of bona fide purchasers for value. All Acts and parts of Acts, general or special, so far as they are inconsistent with this Act, are hereby repealed. No proceedings on the part of said city in respect of the issuance of any such bonds shall be necessary, except such as are required by this Act.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 20, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 142.

### HOUSE BILL No. 90.

(By Messrs. Shaw and Gross.)

AN ACT to create an independent school district out of certain parts of Anderson and Roane Counties, to be known as the "Oliver Springs Independent School District;" to provide for the appointment and election of School Directors for said district; and to prescribe the manner in which the schools of said district are to be controlled and governed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the parts of Ander-

son and Roane Counties as hereinafter set out and bounded, to wit—beginning at the point north of Oliver Springs where the Morgan and Anderson County line crosses Little Cow Creek, and running with Little Cow Creek down the same in an easterly direction to the first trestle over the Louisville and Nashville Railroad over said creek; thence a straight line to the top of Walden's Ridge at a point known as "the lake," about half way from Oliver Springs to Donovan Station on the Southern Railway; thence in a southeasterly direction across the Southern Railway at the western end of the big cut between Oliver Springs and Donovan Station to the top of the Pine Ridge; thence in an easterly direction along the top of the Pine Ridge to Poplar Creek; thence down said Poplar Creek, with the meanders of the same, to the mouth of Indian Creek; thence north about 47 degrees west about 1,000 poles to the Roane County line on the top of Walden's Ridge between the Dr. Theo Sienknecht and Borum farms; thence with said Roane County line easterly to where said line intersects the Anderson County line; thence with said Anderson County line north to the beginning—be, and the same is hereby, created into one Independent School District, to be known as the "Oliver Springs Independent School District."

Boundaries.

SEC. 2. *Be it further enacted*, That the Election Commissioners of Roane County be empowered and required to hold an election in Oliver Springs in said district on the first Saturday in September, 1910, and every two years thereafter, at which election the qualified voters of said district shall elect three School Directors for the said district, who shall serve for two years from the date of their election and qualification; *provided*, that said election shall be held under the laws governing elections held in Roane County; *provided, further*, that all qualified voters residing in said district shall be entitled to vote at said election upon complying with the laws governing elections held in Roane County.

Election to be held—when.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Superintendent of Public Instruction of Roane County to, within thirty days after the passage of this Act, appoint three qualified citizens of said district to serve as Directors thereof until the first regular election held under this Act; *provided*,

Directors.

that all Directors elected or appointed under this Act shall qualify within ten days from the date of their said appointment or election, or it shall be the duty of the said Superintendent of Roane County to appoint an eligible person or persons to fill said vacancy.

SEC. 4. *Be it further enacted*, That no person shall be eligible to serve as a Director in said district unless he shall have at least a primary school education.

SEC. 5. *Be it further enacted*, That upon the qualification of the Directors appointed or elected under this Act, they shall immediately meet and organize by electing one of their number Chairman and one Clerk of said Board of Directors.

Duties.

SEC. 6. *Be it further enacted*, That the Board of Directors herein provided for shall have full power over and control of all of the schools and school affairs in said district, and shall have the sole right to contract with, employ, and discharge all teachers or other persons connected with the schools in said district.

SEC. 7. *Be it further enacted*, That any person holding a certificate of qualification from the Superintendent of Public Instruction of Roane County or Anderson County shall be qualified to teach in said district.

SEC. 8. *Be it further enacted*, That the Clerk of the said Board of Directors shall furnish to the Superintendents of Public Instruction of Roane and Anderson Counties a statement of the number of children of school age within said district and belonging to the respective counties.

SEC. 9. *Be it further enacted*, That the Superintendent of each county shall furnish a correct copy of said enumerations to the Trustee of his county, who shall apportion and pay out the moneys belonging to that portion of said district lying in his respective county on a per capita basis as to other districts of his county upon warrants or orders of the Directors of the district herein provided for.

SEC. 10. *Be it further enacted*, That all of the school laws of the State of Tennessee not in conflict with the provisions of this Act shall apply to said district.

SEC. 11. *Be it further enacted*, That all laws or



parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 12. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 143.

### HOUSE BILL No. 89.

(By Mr. Brooks of Hawkins.)

AN ACT to be entitled An Act to regulate the laying out and working of the public roads in all counties in this State having a population of not less than 24,260 and not more than 24,270 according to the Federal census of 1900 or any subsequent Federal census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That at the April term of the County Court of all counties in this State having a population of not less than 24,260 nor more than 24,270 according to the Federal census of 1900 or any subsequent Federal census, after the passage of this Act, and at the January term every two years thereafter, the County Court of said counties shall elect one Road Commissioner for each civil district in said counties, who shall have general supervision over all the highways and bridges in his district. The person chosen shall be a citizen and freeholder of the district wherein elected, shall be a person skilled and experienced in the business of road making, and shall hold his office for two years, and until

Hawkins  
County.

his successor is elected and qualified. Before entering upon his duties, he shall make oath before the Clerk of the County Court of the county to faithfully, honestly, and impartially discharge the duties of his office. For any willful neglect or misconduct he shall be guilty of a misdemeanor, and punishable accordingly, and for incompetency or neglect of duty shall be removed from office by said County Court upon ten days' written notice. As compensation he shall be entitled to receive one dollar per day for each day's service actually rendered, but shall not claim pay for more than twenty days' service in any one year.

SEC. 2. *Be it further enacted*, That at the term above stated the County Court of each county in the State subject to this Act shall assign hands and shall define the boundaries of all sections of public road in their respective counties within which boundaries those subject to road duty shall labor. The court at the same time shall fix the number of days' labor to be required of road hands, which shall not be less than five nor more than eight days in any one year. The District Road Commissioner shall buy necessary tools for road working, to be paid for out of the funds belonging to his district. The court at the same time shall fix the price to be allowed for a day's work on the public road with wagon and team or horse and plow.

Special tax  
levy.

SEC. 3. *Be it further enacted*, That the County Courts of this State shall levy for each year for road purposes an ad valorem tax on all property of their respective counties outside of incorporated towns. This levy shall be two cents on each \$100 of taxable property for each day assessed to labor on the public roads, and shall be collected by the County Trustee and held by him as a separate fund to be disbursed upon the warrant of the District Commissioner, approved by the Judge or Chairman of the County Court, and for which he shall have compensation the same as on county or State taxes; *provided*, that the taxes of each district shall be kept separate, to be expended in each district. The Judge or Chairman of the County Court shall make quarterly reports, showing receipts and disbursements of all road funds, which report shall be examined by the Revenue Commissioners of the county and, when

approved, spread on the minutes of the County Court; *provided*, that on all privileges not less than one-fourth of the entire assessment for county purposes shall be set aside by the respective County Courts for road purposes, and shall be apportioned equally among the several road districts of their respective counties.

SEC. 4. *Be it further enacted*, That the District Commissioners shall appoint, for a term of one year, an Overseer for each section of public road as established by the County Court. Said Overseer shall be a person subject to road duty, residing in the district, and shall be exempted from actual road labor. He shall serve as many days as are assessed to road hands by the County Courts, without compensation, and for each additional day of actual service in superintending the working of roads and warning of road hands he shall receive one dollar per day, not to exceed four dollars in one year. He shall have charge of all tools belonging to his section of road, shall take care of the same and turn them over to his successor when appointed. It shall be a misdemeanor for any Overseer, having received notice in writing of his appointment, to fail or refuse to serve, or to fail or refuse to fully and faithfully perform his duties as Road Overseer, and to keep his section of road in reasonable repair at all times throughout his term of office, and to account for all tools placed in his care; and the grand juries of the various counties of the State shall have inquisitorial power to investigate the conduct of Road Overseers under this Act.

Overseers to be appointed.

SEC. 5. *Be it further enacted*, That all male residents of the county between the ages of eighteen and fifty years shall be subject to road labor, except those who have been exempted by the County Court for physical disability, the order of the court also showing exemptions from payment of poll tax for the same cause. Road Overseers shall give three days' warning, either in person or by written notice left at the residence or usual stopping place, of each person subject to road duty, and in case any hand so notified shall willfully fail or refuse to perform honestly and faithfully the directions of the Overseer as many days' labor on the public roads as are assessed against him shall be guilty of a misdemeanor.

It shall be the duty of the Overseer to report to the District Commissioner all hands so failing or refusing to work the public roads, and it shall be the duty of the District Commissioner to swear out warrant against all such delinquents before some Justice of the Peace in his district, and to have the Road Overseer and other necessary witnesses to convict the delinquent summoned. All fines collected from delinquent shall be placed to the credit of the road section to which said delinquents were assigned for road duty; *provided*, that any road hand under the provision of this Act may commute by paying to the Commissioner for his district on or before the day appointed for road working seventy-five cents a day. All commutation money shall be used to employ labor upon the road section to which the hand so commuting had been assigned. A day's work in the meaning of this Act shall be eight hours' actual labor on the road.

Duties of Road  
Commissioners.

SEC. 6. *Be it further enacted*, That in laying out and making public roads, it shall be the duty of the Road Commissioners to avoid all heavy grades, and to reduce the same by cutting down sharp points or changing direction of the road. Ditches shall be maintained on each side of the road of sufficient depth to drain the roadbed. In constructing and maintaining first and second-class roads, broken stone or gravel shall be used when obtainable, and no road shall be in a running stream when it can be avoided. When a foot log is necessary, it shall be strong and steady, with good hand railing. Labor upon the public roads must be performed within the months assigned by the County Court, except in case of necessity, for which the Road Overseer shall arrange with one or more hands, allowing them credit on road duty at the next road working or for the succeeding year. Overseers shall keep up durable mile and signboards at all principal crossings.

Petitions.

SEC. 7. *Be it further enacted*, That all application to open, change, close, or restore to the public use any and all public roads in this State shall be made by written petition to the Road Commissioner of the district in which the road is located; and if said road is intended to be located in more than one district, then the petition shall be made to Commissioners of all districts interested, and they shall act jointly.

The Road Commissioner, within ten days after the application has been filed with him, shall notify the person first named in the petition of the date at which he will be present at the beginning point mentioned in the petition to act on the application.

Five days' written notice of the date and beginning point shall be given by the petitioners to all persons controlling land to be affected by the proposed change. The said Road Commissioners shall attend at the appointed time and place; and if the proper notice to interested parties has been given, he shall act upon the application, assess damages, if in his judgment there should be any, and report his action to the next quarterly term of the County Court. With his report he shall file the original petition, the notice to the landowner, and the names of the material witnesses. The County Court shall consider the whole matter and make such order as to opening, changing, closing, or restoring to the public the proposed road as the court may deem proper. Any interested party may appeal as heretofore, provided such appeal be perfected before the Clerk of the County Court within ten days.

SEC. 8. *Be it further enacted*, That the public roads of the State shall be divided into four classes, the width of each to remain as now fixed by law—viz.: Roads of the first class shall not be more than fifty nor less than twenty-four feet wide; roads of the second class, not more than twenty-four nor less than eighteen feet wide; roads of the third class, not more than eighteen nor less than fourteen feet wide; and roads of the fourth class shall be fourteen feet wide. The Road Commissioners shall make, at the end of each year, detailed reports to the County Court, showing the work accomplished by them during the year. These reports shall describe each public road in the district; state whether it is first, second, third, or fourth-class road, and its condition at the time of the report. These annual reports of the Road Commissioner shall be filed in the County Court Clerk's office.

Classes of  
roads.

SEC. 9. *Be it further enacted*, That it shall be deemed unlawful for any person willfully and wantonly to place any fence, brush, briars, or any obstruction in any ditch or in the bounds of any first, second, third, or fourth-class road. It shall be pun-

ishable with a fine of five dollars for each day that said obstruction remains in the road after notice from the Road Commissioners. All fines collected under this section shall go to the district where collected.

It shall be the duty of the Road Commissioners to notify the persons who placed or caused the obstruction to be placed in the road bounds.

SEC. 10. *Be it further enacted*, That all persons driving heavy engines over the public road shall be responsible for all damage done to bridges and culverts; and if said traction engines be used for hauling lumber or other freight, except thresher men hauling their thresher or water tank, they shall be responsible for all damage done to the public road.

All construction and lumber companies doing a heavy hauling shall keep the road in reasonable repair at all times, and in case the above-named traction engines hauling freight or lumber and construction or lumber companies fail to keep the roads in repair, they will be subject to damage sufficient to make the needed repair to said road. That it shall be the duty of the Road Commissioner to see that the provisions of this Section of this Act are enforced; *provided*, that farmers hauling their own lumber to market shall be exempt from the provisions of this section; *further*, that engines, wagons, teams, and lumber as described by this section of this Act shall be subject to execution or attachment for damages done the public road, and the damages recovered shall be a lien thereon.

SEC. 11. *Be it further enacted*, That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take

effect from and after its passage, the public welfare requiring it.

Passed February 20, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 144.

### HOUSE BILL No. 68.

(By Mr. McLaughlin.)

AN ACT to amend Sections 1324 to 1348, inclusive, of the Code of Tennessee of 1858, so as to confer upon and extend to all counties in the State of Tennessee the benefit, authority, operation, rights, powers, and privileges of said sections of said Code; and to authorize and empower said counties to condemn and take the property, buildings, privileges, rights, and easements of individuals and private corporations for any county purpose authorized by law in the manner, mode, and upon the terms provided in said sections of said Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Sections 1324 to 1348, inclusive, of the Code of Tennessee of 1858, be, and they are hereby, amended so as to confer upon and extend to all counties in the State of Tennessee the benefit, authority, operation, rights, powers, and privileges of said sections of said Code, and said counties are given and vested with the right, power, and authority of condemnation and eminent domain as provided in said section of said Code. Eminent domain.

SEC. 2. *Be it further enacted*, That said counties be, and they are hereby, authorized and empowered to condemn and take the property, buildings, privileges, rights, and easements of individuals and private corporations for any county purpose authorized

by law, in the manner, mode, and upon the terms provided in said sections of said Code hereinbefore mentioned; *provided*, that the provisions of this Act shall not apply so as to permit any change or alteration in the present graded turnpikes as are now surveyed and laid off.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 17, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved February 25, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 145.

### HOUSE BILL No. 303.

(By Knox County Delegation.)

AN ACT to amend an Act entitled "An Act to incorporate the town of Park City, in Knox County, Tenn., and to define the rights, powers, and duties of said town; to fix and define the boundaries of said town, the constituting of the territory thus incorporated a separate school district; providing for the qualification, appointment, and election of a Mayor and Councilmen for said town; providing for the assessment and collection of municipal taxes in said town; providing for the issuance and sale of improvement bonds by said municipality, if and when authorized by the qualified voters of said town; providing for a sinking fund and Sinking Fund Commission," being Chapter 109 of the Acts of 1907 of the General Assembly of the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 109 of the Acts of 1907 of the General Assembly of the State of Tennessee, being the charter of the town of Park



City, be, and the same is hereby amended so as to read as follows:

SEC. 2. *Be it further enacted*, That the town of Park City, in Knox County, Tenn., and the inhabitants thereof are constituted a body politic and municipal corporation under the name and style of "Park City," and shall have perpetual succession; and by its corporate name may sue and be sued; contract and be contracted with; grant, sell, receive, purchase, and hold real, mixed, and personal property, and dispose of the same for the benefit of said Park City; have and use an official seal, and exercise all the rights, powers, and authority herein expressly conferred with such others as are necessarily implied for the purpose of carrying out the purpose of this Act.

SEC. 3. *Be it further enacted*, That the corporate limits of said Park City shall be as follows: Corporate limits.

Beginning at a point in the present corporation line of the city of Knoxville, one hundred and fifty (150) feet south of the south line of Bell Avenue, in the center of First Creek; thence in an easterly course and parallel with the south line of Bell Avenue fourteen hundred (1,400) feet to the center of Thompson Street; thence in a southerly course along the center of Thompson Street about twelve hundred (1,200) feet to the intersection of the center line of Thompson Street and the center line of Nelson Street; thence north sixty-one (61) degrees east along the center line of Nelson Street about nineteen hundred (1,900) feet to a stake; thence continuing along the center line of Nelson Street north seventy-four (74) degrees east, continuing along the center line of Nelson Street three hundred (300) feet to a point in the center of Nelson Street; thence north sixty-two (62) degrees and thirty (30) minutes east, continuing along the center of Nelson Street twenty-two hundred and twenty (2,220) feet to the center of Orange Street; thence north seventeen (17) degrees east along the center of Orange Street five hundred and fifteen (515) feet to a point near the spring, known as "Jackson Corner," at the intersection of Orange and Cavalier Streets; thence north eighty-one (81) degrees east along the center of Cavalier Street ten hundred and forty-five (1,045) feet to the center of Williams' Creek; thence north nine (9) de-

grees west along the meanderings of Williams' Creek to the point where said Williams' Creek crosses the center of Broadway or Bell Avenue, as shown on the map of Strong and Thompson's addition, the center of the street-car track; thence north forty-three (43) degrees and thirty (30) minutes east along the center of street-car track on Broadway or Bell Avenue two thousand nine hundred and thirty-two (2,932) feet to the center of Castle Street; thence north forty-six (46) degrees thirty (30) minutes west along the center of Castle Street sixteen hundred and seventy (1,670) feet to the center of the Rutledge Pike; thence continuing along the center of Castle Street north thirty-nine (39) degrees and thirty (30) minutes west seven hundred and forty-six (746) feet to Magnolia Avenue; thence north forty-six (46) degrees east along Magnolia Avenue on the north side of the street railroad one hundred (100) feet to a point, the intersection of Castle Street; thence north forty (40) degrees west along the center of Castle Street seven hundred and sixty-eight (768) feet to a walnut tree in N. S. Woodward's south line; thence south fifty-two (52) degrees west along W. W. Woodward's south line three hundred and twenty-six (326) feet to a large post oak, said Woodward's corner; thence south sixty-two (62) degrees west five hundred and thirty-four (534) feet to a crooked apple tree; thence south sixty-two (62) degrees and thirty (30) minutes west, crossing the hollow and along the top of Chestnut Ridge five hundred and fifty-one (551) feet to a large chestnut tree along the fence; thence south sixty-five (65) degrees west, continuing along the top of Chestnut Ridge three hundred and thirty-eight (338) feet to a stone corner; thence south forty-nine (49) degrees west along the top of Chestnut Ridge four hundred and ninety-six (496) feet to a large chestnut with a railroad spike driven in it; thence continuing along the top of Chestnut Ridge south fifty-eight (58) degrees west seven hundred and forty-one (741) feet to a point in a street; thence south fifty (50) degrees west, continuing along the top of Chestnut Ridge, crossing Hardin Hill Road about fifty (50) feet north of a spring, passing a large white oak on the Weaver line, seven hundred and eighty-five (785) feet to a stone; thence south sixty-

seven (67) degrees west three hundred and seventy (370) feet along the top of Chestnut Ridge to a black oak; thence south sixty-five (65) degrees west along the top of Chestnut Ridge seven hundred and forty-five (745) feet to a stone; thence south sixty-eight (68) degrees west, continuing along the top of Chestnut Ridge two hundred and seventy-one (271) feet to a large chestnut; thence south fifty-three (53) degrees thirty (30) minutes, continuing along the top of Chestnut Ridge fifteen hundred and twenty-nine (1,529) feet to a stone; thence south eighty (80) degrees thirty (30) minutes west nine hundred (900) feet along the top of Chestnut Ridge to a stone; thence north eighty-eight (88) degrees thirty (30) minutes west to the center of Mitchell Street; thence with the center of Mitchell Street southerly to the center of First Creek; thence with the center of First Creek and its meanders to the corporation line of the city of Knoxville; thence with said corporation line to the beginning, embracing a part of the territory of the Second Civil District of Knox County, lying immediately east and adjacent thereto the city of Knoxville, as shown on maps hereto attached.

SEC. 4. *Be it further enacted*, That the territory hereby incorporated as Park City shall be and constitute a separate school district of Knox County, Tenn.

Separate  
school  
district.

SEC. 5. *Be it further enacted*, That no license or permit shall ever be given by said municipality to any person, firm, or corporation to manufacture or sell any malt, vinous, or spiritous liquors within the corporate limits of said municipality.

SEC. 6. *Be it further enacted*, That there shall be elected by the qualified voters of each of the respective wards of said municipality a Councilman, who shall be a resident of and continue to reside in said ward while holding said office; and there shall also be elected, in addition thereto, one Councilman from the city at large, who shall be a resident of said city while holding said office. The election for Councilman shall be held in accordance with the general election laws of the State of Tennessee by the Election Commissioners of Knox County, within the city and at the various voting places therein, to be fixed by the City Council, on the second Wednesday of May, 1910, and on the second Wednesday of May

Councilmen to  
be elected.

every two years thereafter. The voting shall be by ballot, and all persons living within said city for a period of six months continuously previous to said election and who are otherwise qualified to vote for members of the General Assembly, and all persons owning and having owned real estate within said city for six months previous to said election shall be entitled to vote in said election. The polls shall be opened at 9 o'clock A.M. and close at 4 o'clock P.M. on said election day. No person shall be eligible as a member of said municipal council who is not at the time and has not been for at least one year immediately preceding said election an actual resident of said municipality.

Council to  
meet—when.

SEC. 7. *Be it further enacted*, That on the first Tuesday following said election for Councilmen the Councilmen so elected shall, at 7:30 P.M., meet, qualify, and assume the duties of their respective offices, and shall immediately on convening elect one of their number as Mayor of said municipality, and said Mayor and Councilmen shall hold their respective offices for a period of two years; or until their successors are elected and qualified.

SEC. 8. *Be it further enacted*, That the present Mayor and Councilmen of said municipality shall continue to hold their respective offices until the second Wednesday in May, 1910, and until their successors are duly elected and qualified.

Vacancies—  
how filled.

SEC. 9. *Be it further enacted*, That in case of any vacancy in the office of Mayor or Councilmen in said municipality, occasioned by death, removal, resignation, or otherwise, such vacancy shall be filled by a majority vote of the Councilmen at a regular meeting within ten days after said vacancy occurs, and said successor shall hold said office only for said unexpired term.

SEC. 10. *Be it further enacted*, That the Mayor and Councilmen, before entering upon the duties of their respective offices, shall take and subscribe to an oath before some officer in Knox County authorized to administer oaths to faithfully, honestly, and uprightly demean themselves as such Mayor and Councilmen, respectively, during their respective terms of office.

Mayor's  
duties.

SEC. 11. *Be it further enacted*, That it shall be the duty of the Mayor to preside at all meetings of the

Council; to see that the ordinances of said city are enforced, respected, and obeyed; to call special sessions of the Council at such times as he may deem proper; to make such suggestions to the Council as in his judgment will be beneficial to the city's welfare; to sign the minutes of the Council after the same shall have been read to, and have been approved by, the Council; to issue orders, vouchers, and checks, in connection with the Recorder, for the expenditure of any funds belonging to said municipality for the payment of the debts and obligations of said municipality; to employ special legal counsel on behalf of said municipality, on the advice and with the consent of the Council. The Mayor shall be allowed one vote, as any other Councilman, on all actions coming before said Council, but shall not be entitled to cast a second vote as Mayor in case of a tie; and unless a majority of the entire Council shall vote in favor of any proposition coming before it, such proposition shall be declared lost.

SEC. 12. *Be it further enacted*, That all ordinances hereafter enacted shall be passed upon three separate readings, at three regular meetings, and shall be spread upon the minutes and signed by the Mayor and Recorder before becoming binding and effective. All ordinances shall begin as follows: "Be it ordained by the Mayor and Councilmen of Park City."

Ordinances—  
how passed.

SEC. 13. *Be it further enacted*, That the Mayor and Council of said city shall have full power and authority to elect a Recorder, Marshal, City Physician and Secretary of the Board of Health, a City Attorney, a City Treasurer, a Board of Health, a Chief of the Fire Department, a Building, Plumbing, and Electrical Inspector, a City Engineer, three Sinking Fund Commissioners, together with such additional agents and servants as may be necessary and provided for by ordinance; *provided, however*, that the terms of all officers and agents elected by the Mayor and Councilmen shall expire with the term of the Mayor and Councilmen electing the same; and, *provided, further*, that the Mayor and Councilmen shall have power and authority at any time to dismiss or remove any of said officers and agents for incompetency, neglect, disregard, or violation of any duty or insubordination, upon a majority of the Council concurring in said dismissal.

Officers—how  
elected.

Salaries of  
officers.

SEC. 14. *Be it further enacted*, That the salaries of the officers and agents of Park City shall be as follows—to wit: Mayor, \$120 per annum; Recorder, \$720 per annum; Marshal, \$720 per annum; Councilmen, \$48 per annum, each; *provided, however, that* the Councilmen elected Mayor shall receive only a salary as Mayor and none as Councilmen; City Physician and Secretary of the Board of Health, \$120 per annum; City Attorney, as legal adviser of said Mayor and Councilmen, \$120 per annum; City Treasurer, \$48 per annum; and with the exception of the Secretary of the Board of Health, as herein provided for, the Board of Health shall serve without compensation. The Building Inspector shall receive only such fees as may be provided for by ordinance. The City Engineer shall receive such compensation as may be fixed by ordinance, not exceeding \$83 1-3 per month, while actually engaged as such in the service of said municipality. The Sinking Fund Commission shall serve without compensation; but shall give a new bond every two years in double the amount of the sinking fund, to be approved by the Mayor and City Attorney, and the expense of making said bond shall be borne by the city.

Powers of  
Mayor and  
Councilmen.

SEC. 15. *Be it further enacted*, That the Mayor and Councilmen of said municipality shall have power and authority by ordinance:

1. To levy and collect taxes on all property, polls, and privileges taxable by law for State purposes.

2. To appropriate money for municipal purposes; to provide for the payment of the debts and expenses of said municipality; to borrow money, from time to time, so long as may be necessary for the purpose of taking care of its present outstanding debts not otherwise provided for.

3. To make all rules and regulations to secure the general health of the inhabitants of said municipality; to prevent the spread of contagious and infectious diseases by quarantine and otherwise; to establish and maintain hospitals, pesthouses, and detention camps; to declare what shall constitute a nuisance, and to provide for the suppression, removal, and abatement thereof; to open, alter, widen, abolish, extend, establish, grade, pave, and otherwise improve, clean, and keep in repair the streets, avenues, alleys, sidewalks, and gutters of said municipality;

to erect, establish, and keep in repair bridges, culverts, and sewers; to make provision for the cleaning of its streets; to erect all buildings necessary for municipal purposes.

4. To regulate the use of lights, stovepipes, gas pipes, wiring, and fixtures in all buildings and establishments in said municipality; to regulate the construction, maintenance, and repair of sewers, sewer connections, and cesspools.

5. To license, tax, and regulate hacks, carriages, carts, wagons, automobiles, drays, auctioneers, merchants, brokers, confectioners, hawkers, peddlers, livery stables, and all other privileges declared to be such by State law; to regulate, license, tax, and suppress theatricals, shows, amusements, and other exhibitions.

6. To regulate, prohibit, or suppress all disorderly houses, bawdy houses, poolrooms, gambling houses, and soft-drink stands.

7. To prohibit and suppress the sale of firearms and the carrying of weapons prohibited under the general laws of the State.

8. To regulate the storing, handling, and sale of all combustible, explosive, and inflammable materials.

9. To establish, maintain, and regulate a system of free schools free from all sectarian influences.

10. To divide the city into wards, and change the ward limits from time to time; *provided*, that there shall be at all times eight wards, as nearly equal as practicable; and, *provided, further*, that said ward limits shall only be changed when additional territory is added to said municipality.

11. To provide for the regulation, construction, and repair of sidewalks and foot pavements; and in the event that the owner or owners of any lot or lots or parcel of ground shall fail, neglect, or refuse to comply with said requirements of said municipality within the time specified, then said municipality may construct or cause to be constructed, or contract for the construction and repair of such sidewalks and pavements, pay for the same, and the amount so paid by said municipality, with interest from the date of said construction, shall constitute a lien on said lot or lots, as other liens for a period of twelve months from the completion of such work, and until any suit instituted to enforce said lien shall have terminated.

12. To compel the owners of buildings within the limits of said municipality to erect and maintain fire escapes when deemed necessary for the safety of the occupants thereof.

13. To remove the obstructions from sidewalks at the expense of the owners of the ground adjacent thereto.

14. To grant rights of way through and over its streets, avenues, and alleys; *provided*, that the city shall not grant the exclusive right to the use thereof to any one person, firm, or corporation.

15. To take property and land for municipal purposes under the right of eminent domain and upon the conditions prescribed by law pertaining thereto.

16. To organize, regulate, and maintain a police force, and fire department in said municipality; to establish and maintain a city jail; impose fines, forfeitures, and penalties for breaches of the peace of the city ordinances, and to provide for their recovery.

17. To provide for the arrest and confinement of riotous and disorderly persons within the city, and order the detention of all suspicious persons.

18. To prevent and punish by fine all breaches of the peace, noise, disorder, and disorderly assemblies within the municipality.

19. To pass and enforce all such ordinances as may be necessary to carry out the full intent of this Act and accomplish the objects of this corporation.

Sec. 16. *Be it further enacted*, That said municipality shall have the power and authority to commit to the county jail or to the workhouse any person or persons who may fail or refuse to pay any fines imposed on them for the violation of the ordinances of said municipality until said fines or cost, or fines and cost have been paid in full; and in the event any offender is confined in the county jail, the jailer shall take charge of the person and be allowed such fees as are allowed by law in the case of State prisoners, and every person so committed shall be required to work for said municipality at such labor and under such restrictions as his or her health may permit, within or without said place of confinement, not exceeding ten hours per day, and for such work



a person so committed shall receive such allowance as is now allowed by the general law of the State.

SEC. 17. *Be it further enacted*, That in the event any appeal is taken to the Circuit Court of Knox County from any fine or cost imposed by the Recorder for a violation of the ordinance of said municipality, the person so appealing shall give a bond in double the amount of the fine imposed, but in no case shall appeal be taken for such fine and cost under the pauper's oath. Appeals—how made.

SEC. 18. *Be it further enacted*, That the police power of said municipality shall extend to a distance of one-half mile from the corporate limits thereof for the suppression of all disorderly practices forbidden by the general laws of the State and of said municipality.

SEC. 19. *Be it further enacted*, That the Recorder of said municipality shall have original jurisdiction of all offenses arising from a breach of the ordinances of said municipality; that the Recorder is hereby vested with all the powers of a Justice of the Peace, but his jurisdiction shall not extend beyond the corporate limits of said town as a Justice of the Peace; and in the event of the absence or incompetency of the Recorder of said municipality, the Mayor of said municipality shall exercise the functions and duties of the Recorder and hear and determine all cases that may arise as aforesaid. In the absence of both Recorder and Mayor, any Justice of the Peace of the Second Civil District of Knox County may issue a warrant for the offender and try all persons charged with the violation of the ordinances of said municipality, but all fines so assessed shall belong to said municipality. Recorder—powers of.

SEC. 20. *Be it further enacted*, That the Recorder of said municipality, before entering upon the duties of his office, shall give bond in the sum of \$5,000, with good security, approved by the Mayor and City Attorney, for the faithful performance of his duties and the safe-keeping of all records, and properly accounting for all moneys that shall come into his hands as such Recorder. It shall be the duty of the Recorder to keep the records of said municipality; to be present at the meetings of the Council, and keep the minutes of its proceedings; to copy all ordinances in the ordinance book; to act as the general secre-

tary of the Council; to make out the tax books as levied by the Council in a book to be kept for that purpose; and shall collect all taxes and privileges due the municipality, giving receipts for the same, and shall make a report to the Council at the end of each month showing the amount collected by him, and on what account. He shall have the power and authority, and it is hereby made his duty, to prepare for the Marshal delinquent lists of all unpaid taxes assessed upon property of every description, and all polls within said municipality, and the penalty shall be applied on September 1 of each year, beginning with September, 1909, for the assessment made for the same year; he shall keep a cashbook, showing the receipts and disbursements of all moneys, and on the first day of August of each year shall make up and certify lists of all parties that have not paid their taxes, and the amount of the same not paid, and give such list to the Marshal for collection. The Recorder of said municipality is also vested with the power and authority to accept security for fines and cost, and the city may enforce the collection thereof as in case of any other debt. Said municipality is hereby given power and authority, through its Recorder, to issue distress warrants for delinquent privileges and taxes, and to issue warrants for the arrest of offenders against the laws of the State of Tennessee.

Marshal—  
powers of.

SEC. 21. *Be it further enacted*, That the Marshal shall have power to execute all State warrants for the violation of the criminal laws of the State of Tennessee; all warrants for the violation of the ordinances of said municipality; all other process generally may be executed by the municipal officer under the laws of the State of Tennessee; and shall have power and authority to summon any person or persons, whether residents of said city or not, to aid and assist him in arresting any disorderly person against whom he has a warrant authorizing arrests, and for any offense committed in his presence, and upon the refusal of any person to assist said Marshal, said person so refusing shall be subject to a fine of ten dollars, to be recovered before the Recorder of said municipality. The Marshal, before entering upon the duties of his office, shall take an oath to faithfully and honestly perform the duties

of the same, together with the oath prescribed for a peace officer of the State, and shall give bond in the sum of \$1,000, with good security, to be approved by the Mayor and the City Attorney, for the faithful discharge of his duties and for the collecting and accounting of all moneys that shall come into his hands. He shall collect the delinquent taxes due the city from a list furnished him by the Recorder, and which list, when properly certified to him by the Recorder, shall have the same force and effect of an execution from a court of record, and may levy on any personal property of such debtor to be found in Knox County, and said Marshal is authorized to advertise and sell such property as in case of an execution. Said Marshal shall make a return of the respective amounts of taxes and other moneys collected by him, and shall show by his return each delinquent tax debtor having no personal property to be found out of which said taxes can be collected. Said Marshal shall execute all notices given him by the Recorder of said municipality, and shall be the peace officer of said city. The said Marshal shall, on or before the first day of December of the year, make a report to the Recorder of all unpaid taxes on real estate, and this list shall at once be certified to by the Recorder and placed in the hands of the City Attorney for collection of such unpaid taxes, and said municipality is hereby vested with the power and authority to enforce such collection by suit in the court of law and equity as other liens on real estate are now enforced.

SEC. 22. *Be it further enacted*, That said municipality shall not levy a tax rate in excess of \$1.25 on the hundred dollars for municipal purposes. Tax rate.

SEC. 23. *Be it further enacted*, That no action shall be maintained against said municipality for damages to person or property by reason of any defect in street or sidewalk of said city occasioned by and from neglect of some other person than employees of said city, unless the person so causing said defect shall be joined with the city in said action as defendant; and in the event of a judgment against said municipality in such case, said municipality shall not be required to pay the same until execution shall have been issued against its codefendant and return City not liable for damages—when.

thereof duly made and a return of nulla bona thereon has been made.

Officers' bonds.

SEC. 24. *Be it further enacted*, That the City Treasurer and all other officers of said municipality shall be required to give such bond for the faithful performance of their respective duties as may be prescribed by ordinance of said municipality.

SEC. 25. *Be it further enacted*, That the Mayor and Councilmen shall have power to elect a Board of Health for said municipality, to consist of not more than five members, one of whom shall be the City Physician and who shall be the Secretary of the Board. It shall be the duty of said Board to look after the health and sanitation of said municipality, and power is hereby granted to said Board to take all necessary steps for the stamping out and preventing of all contagious and infectious diseases.

Bonds—when  
issued.

SEC. 26. *Be it further enacted*, That from and after the passage of this Act it shall be lawful for Park City to issue coupon bonds in the manner and under the restrictions hereinafter provided, not to exceed in the aggregate a sum which, taken with any debt of the corporation then existing and not provided for by prior assessment of taxes, shall equal ten per cent of the value of property subject to taxation by the corporation as shown by assessment next preceding the submission of the question of issuance of bonds to qualified voters, as hereinafter required; *provided*, said bonds or their proceeds shall be used solely for improving streets, avenues, and alleys, providing school buildings, fixtures, and schools, parks, and other corporation purposes.

SEC. 27. *Be it further enacted*, That all bonds so issued shall be of such denominations, bear such interest, not exceeding six per cent per annum, and be due at such time, not less than five nor more than thirty years from date, and be payable at such times and places as the Council may determine; *provided*, *however*, that such bonds shall bear the same interest.

SEC. 28. *Be it further enacted*, That the bonds thus provided for shall in no case be sold for less than par. and the coupons attached shall, at maturity, be receivable for all taxes and dues to the corporation, except the sinking-fund tax provided for by the following section, and the school tax.

SEC. 29. *Be it further enacted*, That before any bonds shall be issued under the foregoing provisions, the corporation shall provide by ordinance for a sinking fund wherewith to retire the bonds by levying a special tax, same to be designated the "Sinking Fund Tax," the tax to run with the bonds, and to be collected annually and used exclusively for the purpose levied, and to be sufficient, with its accumulations, as near as may be estimated, to meet or retire the principal indebtedness by its maturity.

SEC. 30. *Be it further enacted*, That said corporation, through its Council, before issuing the bonds, shall elect three persons, citizens, as Sinking Fund Commissioners, who shall be so first elected that one of said Commissioners shall be elected—one for one year, one for two years, one for three years, and every year thereafter one shall be elected to serve for three years, so as to keep the number of Commissioners at three at all times.

Sinking Fund  
Commissioners.

SEC. 31. *Be it further enacted*, That said Commissioners shall take an oath faithfully to discharge their duty and give bond under such penalty and conditions as may be provided by ordinance.

SEC. 32. *Be it further enacted*, That such Commissioners shall receive sinking-fund taxes and invest same from time to time in bonds of the corporation, if any are redeemable, or other securities, to be approved by the Council, until bonds become redeemable, and settle their accounts as may be required by ordinance; *provided, however*, that when any bond is purchased or redeemed, it shall be canceled or destroyed in presence of Council, and record be kept of same.

SEC. 35. *Be it further enacted*, That the said bonds shall not be issued unless so authorized by two-thirds of the votes cast by qualified voters voting at an election to be held by order of the Board of Mayor and Councilmen at any time and as many times as the Mayor and Board of Councilmen may deem necessary.

(Section numbers in this act are correctly printed.)

SEC. 34. *Be it further enacted*, That this Act shall not impair any ordinances, rights, contracts, or obligations of said municipality, or any rights, contracts, or obligations of any other person or persons under said original Act—to wit: Chapter 109 of the Acts of 1907.

SEC. 35. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 20, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved February 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 146.

### SENATE BILL No. 317.

(By Mr. Blackburn.)

AN ACT to authorize the city of Lawrenceburg, a municipal corporation created and organized under the Act of the General Assembly, being [Chapter] 457 of the Acts of 1901, passed April 12, 1901, and approved April 20, 1901, to issue its interest-bearing coupon bonds, in addition to bonds heretofore authorized, for the purpose of paying the indebtedness of said city, outside of the bonds heretofore issued by authority of an Act passed April 13, 1905, and approved April 14, 1905, incurred in the purchase of lands, franchises, or easements, machinery and material, and the construction and building, and the cost of a water-power plant, electric-light plant, and waterworks for the city of Lawrenceburg as a municipal plant, being a hydro-electric waterworks and lighting plant; and to fund the floating and indebtedness of said city incurred in the erection, construction, and establishment of said plant; and to declare the bonds issued under this Act, when issued, a lien or mortgage on said plant; and to provide for the payment of bonds issued under this Act, and interest on same; and to provide a commission for the sale of said bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the city of Lawrenceburg, in Lawrence County, Tenn., a municipal corporation created and organized under Acts of the General Assembly, Chapter 457, Acts of 1901, passed April 12, 1901, and approved April 20, 1901, be, and

is hereby, authorized and empowered in its corporate capacity to issue interest-bearing coupon bonds, to be signed by the Mayor and countersigned by the Secretary of said city, to an amount not exceeding in the aggregate sixty thousand dollars (\$60,000), in addition to the twenty-five thousand dollars (\$25,000) of bonds heretofore issued by virtue of authority of Act of the General Assembly of Tennessee, Chapter 434, passed April 13, 1905, approved April 14, 1905, and said bonds, or as much thereof as necessary, shall be issued for the purpose of paying off the indebtedness heretofore incurred by said city in the purchase of lands, franchises, or easements, material, machinery, equipages of various and sundry kinds and makes, materials of dam and dam walls thereof, pump and power houses, water wheels, electrical lamps and appliances, hydrants, water pipes, tower and tank, and all other things and parts which are a part and parcel of the water-power plant, electric-light plant, and waterworks for said city, being the hydro-electric waterworks and lighting plant for the city of Lawrenceburg, in Lawrence County, Tenn., for the constructing, building, and installing said plant, the expenses of a tunnel in connection therewith, for all the cost of said plant incurred in putting it up in all its departments not covered by previous bond issue.

SEC. 2. *Be it further enacted*, That no bonds shall be issued under and by virtue of this Act until the City Council of said city by ordinance shall have authorized the issuance of same; but after the said City Council of said city shall have by ordinance authorized the issuance of same, or any part of same, then said bonds shall be issued in keeping with the provisions of this Act and said ordinance, provided said ordinance is not in conflict with the provisions of this Act, and said bonds shall be payable in lawful money of the United States, shall be executed in denominations of one hundred dollars (\$100) or multiples thereof, no single bond to exceed one thousand dollars (\$1,000), and shall run for a period not to exceed twenty years from the date of the issuance thereof, and shall bear a rate of interest not to exceed six (6) per cent per annum, as the City Council of the city of Lawrenceburg by ordinance may determine, said interest payable semiannually or annual-

Bonds—how  
issued.

ly, and at such place and time as the City Council of said city may determine by ordinance; and said city, or the proper authorities of said city, are hereby authorized and empowered to sell said bonds and to determine the amount of the issuance of same under this Act, not to exceed the said sixty thousand dollars, and are hereby authorized and empowered to employ some person, agent, firm, or corporation to negotiate said bonds. A sale thereof may allow said party so employed a commission not to exceed two (2) per cent on the gross amount of any bond sale under this Act authorized, which commission to be determined by vote of said City Council, and in no case shall said bonds be sold for less than their face value, but said allowed commission may be paid out of said bond sale proceeds. Said bonds shall be denominated "Power, Light, and Waterworks Bonds of the City of Lawrenceburg," and shall, in addition to the signature of the Mayor and Secretary of said city of Lawrenceburg, bear the city's official seal, and shall be in such form as City Council by ordinance may provide.

Special tax  
levy.

SEC. 3. *Be it further enacted*, That if bonds are issued under the provisions of this Act, they shall be valid and binding debt of obligation against the city of Lawrenceburg, and shall be and become a special lien or mortgage on said hydro-electric waterworks and lighting plant of the city of Lawrenceburg, and the City Council is hereby authorized and empowered to levy and collect annually, beginning with the year following the issuance of said bonds and continuing while said bonds or any of them are outstanding, a special tax on all the taxable property situated in the corporation or corporate limits of the said city of Lawrenceburg, and taxable under the laws of the State of Tennessee for corporation purposes, and to levy and collect a special privilege or license tax upon all pursuits, avocations, and business carried on within the corporate limits of said city required by the law of the State to pay privilege tax to the State, but the privilege tax herein authorized, taken in conjunction with the privilege tax authorized to be levied to meet the bond issue authorized and issued heretofore by Act of the General Assembly of Tennessee, Chapter 434 of the Acts of 1905, passed April 13, 1905, approved April 14,



1905, shall not exceed the rate or amount of privilege tax on such business for State purposes.

Said tax, in conjunction with like tax, shall be levied and collected for the purpose of meeting the interest on all the bonds issued for said hydro-electric waterworks and lighting plant issued under this Act and said Act of 1905 without discrimination as to said bond issues as the same becomes due, and shall be used exclusively for said purpose, except as herein provided. The same shall be designated as "Water and Light Tax," and shall be kept separate from the other general funds of the city, except as hereinafter provided.

SEC. 4. *Be it further enacted*, That all revenues derived from the operation of said water, light, and power plants, the said hydro-electric waterworks and lighting plant, not consumed in the cost of operating and maintaining said plant and such extensions thereof as may be ordered or deemed advisable by the City Council, and any surplus from said revenues after meeting the above obligations may be used in paying the interest on the bonds issued by authority of this Act, as well as to meet the interest on said bond issue of said city of 1905 for installation of said plant, but not to discriminate against said previous bond issue, and in no case to be applied contrary to provisions of said former bond issue; and if said surplus shall be sufficient to meet all the above obligations and bond issue interests, then no special tax for interest shall be levied as provided in Section 3 of this Act; *provided*, that if the revenue derived from the operating of said plant should at any time be insufficient to meet the expenses of operating and maintaining said plants, the special tax authorized in Section 3 of this Act may be levied large enough to cover this deficiency after paying the interest on all of said bond issues as heretofore [authorized] in Acts of 1905 and in this Act, provided the surplus of said special tax may be applied to the cost of operating and maintaining said hydro-electric waterworks and lighting plant; *provided, further*, that any funds of the city otherwise unappropriated may, if deemed advisable by the City Council, be applied to interest on the bonds issued under authority of this Act or other

bonds of city as heretofore provided, or to the operating and maintaining said plant.

Sinking fund.

SEC. 5. *Be it further enacted*, That the City Council may, and it is hereby empowered to, provide by ordinance for a sinking fund to pay the bonds issued under authority of this Act at maturity, or at such time as may be allowed to be paid, or the city can and desires to cancel and pay same, and said sinking fund may be created in the way and manner and under the provisions that apply that are contained in Section 8 of the Acts of 1905, wherein a bond issue of the city of Lawrenceburg of \$25,000 is provided for and set forth for said water, light, and power plants.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 19, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 1, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 147.

### SENATE BILL No. 344.

(By Mr. Cummings.)

AN ACT to authorize the Mayor and Aldermen of the city of Chattanooga to issue its bonds in the sum of one hundred and twenty-five thousand dollars (\$125,000) for the purpose of refunding and paying off a bond issue of \$125,000 heretofore made by said Mayor and Aldermen of said city for the purpose of building sewers, which latter bonds mature April 15, 1909.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of enabling the Mayor and Aldermen of the city of

Chattanooga to pay off and retire one hundred and twenty-five thousand dollars (\$125,000) of its bonded indebtedness, which matures and is payable April 15, 1909, the said Mayor and Aldermen of the city of Chattanooga, through the General Council of said city, a majority of the members of each Board of said General Council concurring, be, and it is hereby, authorized to issue its bonds, to be signed by the Mayor and countersigned by the Auditor of said city, to the amount of one hundred and twenty-five thousand dollars.

SEC. 2. *Be it further enacted*, That the bonds here-  
in authorized, with interest thereon, shall be payable  
in lawful money of the United States, and shall be  
executed in denominations of one hundred dollars  
(\$100) or multiples thereof, no single bond to exceed  
one thousand dollars (\$1,000). Said bonds shall be  
payable thirty (30) years after the date of the issu-  
ance thereof, and shall bear interest at the rate of  
four and one-half (4½) per cent per annum, said in-  
terest to be payable semiannually and to be evi-  
denced by semiannual interest coupons attached, and  
in no case shall said bonds be sold for less than par.

Denomination  
of bonds

SEC. 3. *Be it further enacted*, That the bonds here-  
in authorized to be issued shall be known as the "Re-  
funding Bonds of the City of Chattanooga of 1909;"  
and the proceeds of said bonds shall be used for the  
sole and exclusive purpose of paying off and retir-  
ing the aforesaid bonded indebtedness of the said  
city of Chattanooga, falling due April 15, 1909.

SEC. 4. *Be it further enacted*, That for the pur-  
pose of enabling said Mayor and Aldermen of the  
city of Chattanooga to fund said bonds maturing  
April 15, 1909, and to carry out the purposes of this  
Act, it is hereby empowered to exchange the bonds  
herein authorized to be issued for the aforesaid  
bonds maturing April 15, 1909, or may sell the bonds  
herein authorized to be issued in such amounts and  
at such times and in such manner as the General  
Council of the city of Chattanooga shall by joint  
resolution direct; and the execution and delivery of  
the bonds herein authorized by the corporate author-  
ities of the said city of Chattanooga shall be conclu-  
sive evidence that all the requirements of this Act  
as to the issuance of said bonds have been complied  
with.

Sinking fund.

**SEC. 5.** *Be it further enacted,* That it shall be the duty of the corporate authorities of the said city of Chattanooga, for the year 1909 and for each succeeding year thereafter, to make provisions in the tax levy, and to levy a tax for the interest to become due on such bonds as may be issued under the authority of this Act, and for a sinking fund, which will be sufficient, with its accumulations, as nearly as may be estimated, to meet the principal indebtedness at its maturity.

**SEC. 6.** *Be it further enacted,* That the Sinking Fund Trustees now provided for by law for the city of Chattanooga shall have charge of the sinking fund to be raised for bonds hereby authorized to be issued, and their powers and duties in reference to these bonds and in the management of the sinking fund shall be the same as those prescribed and defined for said Trustees by an Act passed March 20, 1873, Chapter 59, entitled "An Act to provide for the issuance of bonds by cities," except that said Trustees shall loan the money at six per cent interest, and shall not purchase any bonds therewith, except the bonds authorized to be issued under this Act, and the said Trustees shall give such bonds from time to time as the General Council of said city shall prescribe.

**SEC. 7.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 24, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 1, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 148.

### SENATE BILL No. 191.

(By Mr. Fisher.)

AN ACT to amend the Acts of 1905, passed February 4, 1905, and approved February 4, 1905, and entitled "An Act to incorporate the town of Watertown, Wilson County, Tenn., and appoint the first Board of Mayor and Aldermen thereof."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 2 of the Acts of February, 1905, be, and the same is hereby, amended to read as follows:

"Beginning at J. D. Phillips' northwest corner; thence to a stake on the north side of Lebanon and Sparta Turnpike, directly opposite the point of beginning; thence west with the north line of said pike to the southwest corner of Justis Wood's lot; thence with said Wood's western and northern boundary to the northeast corner of the said Justis Wood's premises; thence to the northwest corner of the Round Lick Church property; thence with the northern boundary of the church property to the western boundary of the Maddux Addition to Watertown; thence north to the northwest corner of the L. A. Phillips' lot No. 14; thence in a northwest direction to the west side of Belmont Avenue; thence with the west side of said Belmont Avenue to the north side of Grove Avenue at a point of their intersection; thence with the north side of Grove Avenue to the east side of Vanderbilt Avenue at the point of their intersection; thence with the east side of said Vanderbilt Avenue and on in the same direction to the northern boundary of the first corporation line of Watertown, Tenn."

SEC. 2. *Be it further enacted*, That Section 7 be, and the same is hereby, amended to read as follows:

"That the Mayor and Aldermen of Watertown, Tenn., shall have full power and authority by ordinance within the town: (1) To levy and collect taxes for school and corporation purposes, and to dispense the same upon all property taxable by law for State

purposes, provided that the ad valorem assessment and the assessment on all real and personal property for the purpose of meeting the current expenses of the corporation shall not exceed seventy-five (75) cents on each \$100 of assessable property."

SEC. 3. *Be it further enacted*, That the part of Article XVIII. of Section 7 that limits the salary of the Secretary to \$50 per annum be, and the same is hereby, amended to read as follows:

"That the salary of the Secretary shall not exceed \$75 per annum."

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 23, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 1, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 149.

### SENATE BILL No. 7.

(By Mr. Banks.)

AN ACT to amend Chapter 13 of the Acts of 1907, being an Act entitled "An Act to incorporate Winchester, Franklin County, Tenn., and to provide for the election of officers and define their powers and duties, and provide for their compensation; and to define the powers of the Board of Mayor and Aldermen."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 13 of the Acts of 1907 be, and the same is hereby, amended by adding after the word "Winchester," in the sev-

enth line of Section 9 of said Act, the following words: "And any person who is a legal voter for members of the General Assembly, who owns real estate within the corporate limits of Winchester and has owned it for six months prior to the date of said election."

SEC. 2. *Be it further enacted*, That said Act be further amended by inserting after the last line in Section 46 the following words: "And all municipal taxes shall be due and payable when State and county taxes are due and payable, and every taxpayer shall pay taxes to the municipal officer or officers authorized to collect same before the time fixed by statute for State and county taxes to become delinquent, or the same shall bear interest from the time they become delinquent, and, in addition, a penalty of one per cent for each month the taxes are delinquent shall be added on the first day of each month, beginning with the first day of the month they become delinquent. The Mayor or other officers authorized to collect taxes may sue delinquents in the courts of law or equity in this State; and when judgment is rendered against the delinquent, it shall be for the amount of the taxes due, interest, and penalty. An execution may issue and be levied on personal property of the delinquent if such delinquent have personal property; if none, then on the realty of the delinquent, and the papers shall be returned to the Circuit Court and the realty sold as in condemnation cases, but no claim of homestead can be set up as against a claim for said taxes."

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 24, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 1, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 150.

### SENATE BILL No. 166.

(By Mr. Kelly.)

**AN ACT** entitled An Act to create a lien on a certain class or upon certain classes of vehicles in favor of contractors, mechanics, or undertakers, founders and machinists, for work performed, improvements or repairs made, or material furnished, and providing for the registration and enforcement of said lien.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be a lien upon any vehicle, whether propelled by horse, steam, water, motor, electric, or muscular power, or otherwise, for any repairs or improvements made or fixtures or machinery furnished at the request of the owner or his agent in favor of the mechanic, contractor, founder, or machinist who undertakes the work or makes on any vehicle of the class or classes herein mentioned any repairs or puts thereon any improvements, fixtures, machinery, or material, either wood, rubber, composition, or metal; *provided,* the lien herein created shall not extend to, nor shall the provisions of this Act be so construed as in any way affecting the rights and title acquired by purchasers without notice.

**SEC. 2.** *Be it further enacted,* That the lien shall be upon and include the vehicle and improvements thereon, and continue for six months after the work is finished or repairs made or material furnished, and until the decision of any suit that may be brought within that time for the debt due said contractor or undertaker or furnisher, and bind said vehicle and the improvements thereon, provided the said vehicle and improvements thereon have not been transferred in good faith to purchasers without notice.

**SEC. 3.** *Be it further enacted,* That such lien for repairs, materials, furnishings, improvements, machinery, and work upon any vehicle of the class or classes heretofore mentioned shall be enforced by attachment at law or in equity or by judgment at



law and levy of the execution upon the property subject to the lien.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 23, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 1, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 151.

### SENATE BILL No. 158.

(By Mr. Holladay.)

AN ACT to declare the powers and rights of water and electric-light, heat, and power companies created under the laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That water and electric-light, heat and power companies created under the laws of this State, whether operated by steam or water power, shall have and exercise the same rights and powers in respect to the erection and maintenance of poles and wires for the transmission of electricity for light and power purposes as are now conferred by the laws of this State upon telephone and telegraph companies for the transmission of telephone and telegraph messages.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 19, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 1, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 152.

### SENATE BILL No. 58.

(By Mr. Sells.)

**AN ACT** to refund to the Merchants' Tobacco Manufacturing Company, of Greene County, a certain sum of taxes paid to the State under an erroneous assessment for the year 1906.

**WHEREAS** the Merchants' Tobacco Manufacturing Company of Greene County was erroneously assessed with \$5,000 of tobacco for the year 1906, which said amount of tax was paid by said corporation under protest within the lawful limit for the payment of taxes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the sum of seventeen dollars and fifty cents (\$17.50) be, and the same is ordered, refunded to the said Merchants' Tobacco Manufacturing Company, and for this purpose the Comptroller is hereby authorized and directed to draw his warrant upon the Treasurer of the State for said amount, payable to said Merchants' Tobacco Manufacturing Company.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 24, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 1, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 153.

### SENATE BILL No. 301.

(By Mr. Kelly.)

AN ACT to regulate, in cities of more than 75,000 inhabitants, according to the Federal census of 1900 or any subsequent census, the licensing of persons, firms, and corporations conducting or managing a business for installing any wires or electrical apparatus to convey electrical current for light, heat, or power; and to provide for a Board of Electrical Examiners and Supervisors for said purpose; and to prevent the doing of such electrical work by persons, firms, or corporations other than those licensed in accordance with the provision of this Act; and to provide a penalty for the violation thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That within thirty days after the passage of this Act the Governor shall appoint in each city in the State of Tennessee of more than 75,000 inhabitants according to the Federal census of 1900 or any subsequent census a board which shall be known as the "Board of Electrical Examiners and Supervisors," consisting of three persons, for the purpose of examining into the qualifications and capabilities of Master Electricians, as defined by Section 5 of this Act. The members of said Board so appointed shall be competent, practical electricians, one of whom shall be nominated by the oldest existing association of electrical contractors in the city of his appointment; and if no such association exists, then he shall be a contracting electrician, who has been publicly engaged in such business in the city of his appointment for at least three years prior to the date of his appointment, the second to be nominated by the Chief of the Fire Department, and the third by the local association of Fire Underwriters, if any such association exists in the town where the appointment is to be made; and if no such association is in existence, then the third member to be appointed upon the nomination of the two members hereinbefore designated. The term of each member shall be one year from date of appointment. Should any vacancy occur from any cause during the term of any Board as herein pro-

vided, the Governor shall appoint some one from nominations made, as above provided, to fill such vacancy, and this in such manner that the various Boards shall continue to be constituted as herein provided.

The Governor shall have full power to remove any member of the Board for incompetency or improper conduct upon satisfactory evidence thereof being presented to him.

SEC. 2. *Be it further enacted*, That the members of said Board shall respectively take and subscribe the oath required of State officers.

They shall have the power to elect out of their number a President, a Secretary, and a Treasurer; to adopt such rules and by-laws for the transaction of the business of the Board as they may deem expedient.

SEC. 3. *Be it further enacted*, That each member of said Board shall receive a compensation of five dollars (\$5) per day for actual services in attending meetings of the Board, which compensation shall be paid out of the moneys in the hands of the Treasurer of said Board, provided that the Secretary of said Board may receive such additional compensation as the Board may deem just and reasonable, and for which the by-laws of the said Board may provide. In no event, however, shall the compensation of the members of the said Board, or of their Secretaries, be paid out of the funds in the State treasury, or become a charge against the State; but the compensation of all members of said Board, including the Secretary, shall be paid out of the fees collected by said Board under the provisions of this Act.

Compensation  
of Board.

SEC. 4. *Be it further enacted*, That said Boards shall meet at least once each month in their respective domiciles, and shall hold special meetings as frequently as the proper and efficient discharge of their business shall require, and each Board shall adopt rules and regulations for the examination of Master Electricians, as herein defined, and, when so adopted, such rules and regulations shall have the same force and effect as if herein contained, and the rules of said Board shall also provide for the giving of timely notice of such meetings to all those who shall have made application for a license, as herein

Board to  
meet—when..

provided; and said Board shall give in writing to the respective cities, or to any officer designated by the legislative council thereof, a detailed statement of all licenses issued, renewed, or revoked at any meeting of said Board. A majority of its members shall organize each of said Boards and constitute a quorum for the transaction of its business.

“Master Electrician.”

SEC. 5. *Be it further enacted*, That the term “Master Electrician,” as used in this Act, shall be so defined as to include any and all persons, firms, and corporations engaged in the business of or holding themselves out to the public as engaged in the business of installing, erecting, or repairing, or contracting to install, erect, or repair electric wires or conductors to be used for the transmission of electric current for electric light, heat, or power purposes, or moldings, ducts, raceways, or conduits, together with fittings for same, for the reception or protection of such wires or conductors, or to electrically connect electric wires or conductors together or to any electrical machinery, apparatus, device, or fixtures to be used for electric-light, heat, or power purposes.

A license of Master Electrician issued or granted under and in accordance with the provision of this Act shall entitle any such person, firm, or corporation so licensed to engage in the business of installing, erecting, and repairing, and of contracting to install, erect, and repair any electric wires or conductors to be used for the transmission of electric current for electric lights, heat, or power purposes, and any moldings, ducts, raceways, and conduits, together with fittings for same, to be used for the reception and protection of such wires and conductors, and to electrically connect such electric wires or conductors together, and to any apparatus, devices, fittings, or fixtures to be used for electric-light, heat, or power purposes.

SEC. 6. *Be it further enacted*, That before any person, firm, or corporation shall hereafter engage in the business of a Master Electrician, as defined in Section 5 of this Act, and before any person, firm, or corporation now so engaged in said business or any branch or class thereof shall continue in said business of Master Electrician, such person, firm, or corporation shall apply to said Board for a license to practice as Master Electrician, and the applicant.

if a person, or if a corporation, one of the officers or a representative and agent thereof, to be designated by said corporation, or if a firm, one of the members thereof shall present himself before the said Board at a time and place fixed by the said Board. If the Board shall find, upon due examination, that the applicant presenting himself is of good moral character, has a satisfactory knowledge of electricity, and the natural laws appertaining to and governing the same, and of the use and function of electric wires, appliances, and devices for electric-light, heat, and power purposes, and is possessed of skill and knowledge in all matters pertaining to the business of a Master Electrician, as defined in Section 5 of this Act, the said Board, upon payment of the fee, and upon giving bond, hereinafter provided for, shall issue to the said person, firm, or corporation a license as Master Electrician to practice said business for a term of one (1) year, and shall register such person, firm, or corporation as duly licensed Master Electrician; *provided*, that no license shall be granted to any person who has not taken and subscribed an oath that he, or, in case of a corporation, one of the principal officers or the representative and agent thereof, and, in case of a firm, one of the members thereof, has had at least three (3) years' actual experience as a Master Electrician, within the terms of this Act, or as an electrical workman in such class or classes of electrical business or work as, in the opinion of the Board, shall have properly fitted the applicant for a license as Master Electrician; *provided, further*, that each applicant, at the time of filing his, their, or its application, shall pay to the Secretary of said State Board of Electrical Examiners the sum of twenty-five dollars (\$25); and, *provided, moreover*, that every person, firm, or corporation, before receiving a license, shall make, execute, and deliver a bond to the State of Tennessee in the full sum of twenty-five hundred dollars (\$2,500), with sufficient surety or sureties, to be approved and filed with the said Boards, the bond to save harmless the owner or real party in interest in the property for which any such material is furnished or service performed against loss or damages which shall arise by reason of the work done or material furnished being in violation

of and below the standard of the current edition of the National Electric Code; but action can be maintained thereon in the name of such owner or real party in interest only, if composed within one (1) year from and after the date of the installation of the materials furnished or performance of such work or service.

When, however, the material furnished, or work done, or service performed, shall have been inspected, and a written or printed certificate of approval issued by a legally authorized City Electrical Inspector, then the said Master Electrician shall be considered as having fulfilled the requirements of this Act, and his responsibility shall cease under the above bond for materials furnished and work or service performed.

SEC. 7. *Be it further enacted*, That all persons, firms, or corporations that at the time of the enactment of this Act are engaged in the business which shall be hereafter known as the business of a "Master Electrician," as described in Section 5 of this Act, shall, within sixty days after the passage of this Act, comply with all the provisions of Section 6 of this Act, or such persons, firms, or corporations shall, within sixty (60) days after the passage of this Act, cease to do the work which shall be hereafter known as that of a "Master Electrician," as described in Section 5; otherwise he, they, or it shall be guilty of a misdemeanor, and, on conviction, suffer the fines and penalties as set forth in Section 14 of this Act.

License.

SEC. 8. *Be it further enacted*, That each and every license issued under the provisions of this Act shall be signed by the President and Secretary of the Board and attested with its seal, and said license so signed and attested for a period of one year shall be evidence in any court in the State of the business for which the license is issued. All licenses and renewals of same shall expire on the first day of January of each year.

Renewal of  
license.

SEC. 9. *Be it further enacted*. That no person, firm, or corporation granted a license under the provisions of this Act shall continue in the business of installing or repairing electrical wires, conductors, or apparatus for electric-light, heat, or power purposes after the expiration of said license unless the said



license or extension of same shall have been renewed, as hereinafter provided. Upon payment of a fee of ten dollars (\$10), any person, firm, or corporation granted a license under the provision of this Act (unless the said license shall have been revoked, as hereinafter enacted) shall be granted a renewal of said license without examination of the applicant, if application therefor is made either in person or in writing to the said Board by the holder of such license within the three months preceding the expiration of such license upon payment of a fee of ten dollars (\$10), and the said renewals of said license shall be made for a period of one (1) year, and shall be signed and attested as required for such original license, and any such renewal of such license so signed and attested shall have the same weight as evidence in any court in this State as is hereinbefore accorded said original license; *provided, also, that, further*, one-year renewals shall be granted in like manner upon expiration of any renewal of license upon making application and paying a like fee within three months preceding the expiration of such renewal, in the same maner as provided for the first renewal.

SEC. 10. *Be it further enacted*, That after a full hearing of all parties in interest, said Board shall have power to revoke, for proper cause, any license or renewal of same granted by the same Board. To revoke  
license.

SEC. 11. *Be it further enacted*, That each and every license and renewal of same shall be in force and effect only so long as an approved bond, filed with the said Board in accordance with the provisions of Section 6 of this Act, shall remain in force, and every such license or renewal of same shall become void by the termination of said bond regardless of the regular date of expiration of the said certificate, license, or renewal.

SEC. 12. *Be it further enacted*, That any and all persons or corporations granted a license or renewal thereof in accordance with the provisions of this Act shall display the same in a conspicuous place in the office or place of business of the person, firm, or corporation to which it was issued.

SEC. 13. *Be it further enacted*, That nothing in this Act shall be so construed as to prevent any person from doing or performing any of the kinds of work

enumerated in Section 5 of this Act, when such work is performed under the direction and supervision of a duly licensed Master Electrician; but no work other than minor electric repairs for the maintenance of established plants shall be performed, excepting under such direction and supervision of a duly licensed Master Electrician, and the said licensed Master Electrician shall be responsible for any work and all work so done under his direction and supervision. This shall be construed as exempting lighting companies and electric railway companies from the provisions of this Act, in so far as the maintenance and installation of their equipment, pole lines, services, and meters are concerned.

SEC. 14. *Be it further enacted*, That any person, firm, or corporation who shall practice or engage or continue in the work of a Master Electrician, as devined in Section 5 of this Act, and any person not licensed as a Master Electrician, who shall do or perform any such work except under the direction of a Master Electrician, or who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), or to an imprisonment not exceeding thirty (30) days, or both, in the discretion of the court.

License not  
transferable.

SEC. 15. *Be it further enacted*, That no license or renewal of same granted or issued under the provisions of this Act shall be assigned or transferable, and every such license or renewal of same shall specify the name of the person, firm, or corporation to whom it is issued; and in case of firm, the member of said firm, and in case of a corporation, the principal officer or the designated representative of the said corporation through whom the application for said license was made.

SEC. 16. *Be it further enacted*, That all fees collected under the provisions of this Act shall be for the use of said Board to defray its necessary expenses.

SEC. 17. *Be it further enacted*, That it shall be the duty of each of said Boards, before the first Monday of January of each and every year, to make a report in writing to the Governor of the State, containing a detailed statement of the nature of the re-

ceipts and the manner of expenditures, and any balance of money remaining at the end of the year after payment of expenses, including per diem of members of said Board, and other necessary expenses incurred by them in the discharge of their duties, shall be deposited in the State treasury.

SEC. 18. *Be it further enacted*, That all laws and parts of laws contrary to or in conflict with the provisions of this Act be, and the same are hereby, repealed.

SEC. 19. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 19, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 1, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 154.

### SENATE BILL No. 237.

(By Mr. Greer, by request.)

AN ACT to authorize Mount Pleasant, a municipal corporation created and organized under an Act of the General Assembly of Tennessee, being Chapter 299 of the Acts of 1907, passed April 4, 1907, and approved April 8, 1907, to issue bonds and apply the proceeds from the sale thereof to improving, extending, and enlarging the waterworks of said town; and to provide for the payment of said bonds and interest on the same, and to condemn private property for said purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Mount Pleasant, in Maury County, a municipal corporation, created and organized under the Acts of the General Assembly, Chapter 299, Acts of 1907, passed April 4, 1907, and

Amount of  
bonds.

approved April 8, 1907, be, and the same is hereby, empowered to issue and dispose of negotiable bonds of said town in its corporate name, signed by the Mayor and countersigned by the Recorder, and attested by the corporate seal of said town, with interest coupons providing for the semiannual payment of interest, to an amount not exceeding sixty-five thousand dollars, the proceeds of which shall be used, or so much thereof as may be necessary, for the purpose of enlarging, extending, and improving the present waterworks system of said town.

Denomination  
and interest.

SEC. 2. *Be it further enacted*, That said bonds shall be issued under such rules, regulations, and restrictions as may be provided by ordinance by the Board of Mayor and Aldermen of said town, which bonds shall be issued in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) each, and shall bear a rate of interest to be fixed by ordinance of said town, not exceeding six per cent per annum, said interest to be paid in semiannual installments, and said bonds shall run for a period not exceeding thirty years, said interest and principal to be paid in lawful money of the United States, and said bonds shall be known and designated as "Waterworks Bonds of Mount Pleasant," and shall not be sold for less than par value. The proceeds arising from the sale of said bonds shall be paid into the treasury of said town, and be there kept and preserved as a separate fund to be used for the purposes set forth in this Act, and for no other purposes whatever; *provided, however*, that only such amount of said bonds shall be sold as may be actually necessary to pay for the said waterworks improvements as may be made under this Act.

SEC. 3. *Be it further enacted*, That the said Mount Pleasant, acting through its Board of Mayor and Aldermen, shall have, and is hereby given, the power to enlarge, extend, and improve its present waterworks system, and to construct either inside of the corporate limits of said town or outside thereof, all necessary and proper cisterns, standpipes, reservoirs, pumps, hydrants, pipe lines, ponds, dams, and all other essentials to a perfect waterworks system, and to furnish water therefrom and to charge and collect such rates therefor as may be fixed by ordinance of said town to private consumers and for mu-

municipal purposes; and said town, acting through its said Board of Mayor and Aldermen, is hereby empowered to keep said plant in proper condition, and to enlarge and control the same, and to acquire and own by purchase or otherwise its said waterworks system, plant, pumping station, ponds, dams, and pipe lines; and said town, acting through its Board of Mayor and Aldermen by ordinance, is hereby authorized and empowered, should it become necessary, to condemn any private property for said purposes, either inside or outside of its corporate limits, by the institution and prosecution of condemnation proceedings under the laws of Tennessee, as set out in Sections 1549 to 1572, inclusive, of Milliken and Vertrees' Compilation of the Statutes of Tennessee as amended by Chapter 135 of the Acts of 1885; and said town is likewise authorized and empowered to furnish water at such charges as may be made therefor by ordinance of its Board of Mayor and Aldermen, and for domestic use or otherwise within the said corporate limits, or within the territory outside thereof and adjacent thereto or along the line of its said water mains and pipe lines.

SEC. 4. *Be it further enacted*, That the entire supervision and management of the construction, operation, and maintenance of said waterworks system and improvements and extension thereto shall be, and is hereby, vested in the Board of Mayor and Aldermen of said town, but the said Board may in its discretion by ordinance empower such regularly appointed committees from its own members to supervise said work. Said Board is also hereby empowered to employ such engineering help and other skilled assistance as is necessary in the construction of said waterworks improvements, and to pay for such services out of the funds realized from the sale of the bonds authorized by this Act. Said Board, if it deems best to do so, may let the work of improving, extending, and enlarging said waterworks plant by contract, taking such bond from said contractor as may be determined upon by ordinance to be necessary for the proper protection of the town's interest, guaranteeing proper construction of said work.

SEC. 5. *Be it further enacted*, That the Board of Mayor and Aldermen of said town, should it be

To employ  
book-  
keeper—  
when.

deemed best to do so, may, during the period of constructing, extending, and enlarging said waterworks plant, employ the services of a competent bookkeeper for the purpose of keeping a strict account of all expenditures incurred therein, the books of said bookkeeper to be audited by a committee of the Board of Mayor and Aldermen at least once in every thirty days.

Election to be  
held.

SEC. 6. *Be it further enacted*, That said bonds herein provided for shall be ordered issued in the manner and form herein stated by ordinance of the Board of Mayor and Aldermen of the said town of Mount Pleasant, but that said ordinance shall not be enacted until an election has been held in said town, and the issuance of bonds has been determined on as hereinafter set out.

SEC. 7. *Be it further enacted*, That the Election Commissioners of Maury County shall, upon request of the Board of Mayor and Aldermen by resolution, spread on its minutes and certified to said Board of Election Commissioners, under seal of said town, signed by the Mayor and attested by the Recorder, or by a direct petition signed by fifteen voters of said town, who are qualified to vote for members of said Board of Mayor and Aldermen, call an election to be held in said town, after being advertised in some newspaper published in Maury County for thirty days, in which the question of issuing bonds or not issuing bonds shall be submitted to the voters of said town of Mount Pleasant. Said election shall be held under such laws of the State of Tennessee as govern elections for members of the General Assembly. The ballots to be used in said election shall bear the words "For Waterworks Bonds;" "Against Waterworks Bonds." "Vote for One." In voting such tickets, those favoring the issuance of bonds shall place a cross mark opposite the words "For Waterworks Bonds," and those opposing the same shall place the same mark opposite the words "Against Waterworks Bonds." When said vote shall have been canvassed by the Election Commissioners of said Maury County, if the majority of voters in said election shall have voted for waterworks bonds, said Election Commissioners shall certify the result to the Board of Mayor and Aldermen of Mount Pleasant, which Board shall spread the

said certificate upon their minutes and pass the required ordinance, and said bonds shall be immediately issued as herein provided. Should it be ascertained by the Board of Election Commissioners of Maury County that the majority of the votes cast were cast against waterworks bonds, the said Board of Election Commissioners shall likewise certify that fact to the Board of Mayor and Aldermen of Mount Pleasant, which certificate shall be spread upon the minutes of said Board, and the bonds shall not be issued unless they may be determined on at some future election as hereinafter provided.

SEC. 8. *Be it further enacted*, That at any time not less than six months after an election has been held, as herein provided, an election may again be called, and the same question again voted upon under the provisions and for the purposes of this Act as is herein set forth; and should a majority of the votes cast in said election be for bonds, they shall be issued and sold as herein provided.

SEC. 9. *Be it further enacted*, That when said bonds have been issued, they, or as many thereof as may be necessary to construct said improvements, shall be sold by the Board of Mayor and Aldermen of said town at the highest price possible, but in no event for less than par value, and at the lowest rate of interest possible, but in no event to exceed six per cent per annum, payable in semiannual installments, the money received therefrom to be paid into the city treasury, as herein provided, for the purposes herein set forth.

Board to sell  
bonds.

SEC. 10. *Be it further enacted*, That if bonds are issued under the provisions of this Act, they shall be a valid and binding debt or obligation against the town of Mount Pleasant, and the Board of Mayor and Aldermen of said town is hereby authorized and empowered to set apart all of the revenues received from said waterworks system, after deducting the necessary expenses incurred in operating and maintaining the same, as a special fund, which shall be kept separate and apart from the other funds of the said town, and used for the purpose of paying interest on said bonds; and should said revenue be more than sufficient for the purpose of paying said interest, the same shall be placed to the credit of the sinking fund hereinafter provided for.

SEC. 11. *Be it further enacted*, That if such bonds are issued under the provisions of this Act, the Board of Mayor and Aldermen of said town may, if it becomes necessary, levy and collect a special tax for the purpose of paying interest on said bonds and creating a sinking fund for the payment of said bonds, said tax not to exceed the amount levied by the State and county on real estate and privileges within said town of Mount Pleasant. The said Board of Mayor and Aldermen may properly safeguard this sinking fund, and shall provide by ordinance creating the same for its safe investment; and all income derived from same, together with all accretions thereto by taxes, interest, or otherwise, shall be carefully preserved and held to meet the payment of said bonds aforesaid.

SEC. 12. *Be it further enacted*, That the bonds herein provided for shall not run longer than thirty years, but the Board of Mayor and Aldermen may by ordinance provide for their payment at such shorter periods as in its discretion may deem advisable; but said periods of payment shall be fixed and determined upon by ordinance before said bonds are offered for sale.

SEC. 13. *Be it further enacted*, That in all cases where there is a conflict between the provisions of this Act and the charter of Mount Pleasant herein referred to, the provisions of this Act shall govern; otherwise this Act shall be in aid of the existing law embodied in said charter.

SEC. 14. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 1, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 155.

### HOUSE BILL No. 376.

(By Mr. Langford et al.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to prohibit prize fighting or sparring or brutal sport in Tennessee,' so as to encourage athletic exhibitions in regularly chartered athletic or gymnasium clubs."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of the Act by the General Assembly of the State of Tennessee, passed April 20, 1901, and approved by the Governor April 22, 1901, the same being an Act entitled "An Act to prohibit prize fighting or sparring or brutal sport in Tennessee," be, and the same is hereby, amended at the end of said Section 1 of said Act by adding the following words and figures—to wit: *Provided*, that nothing in this Act shall be construed to prohibit or declare unlawful scientific boxing exhibitions by lawfully chartered athletic or gymnasium clubs having a bona fide membership, in accordance with the hereinafter set out provisions and restrictions, nor to render any participants of the same liable to the penalties of this Act.

SEC. 2. *Be it further enacted*, That such exhibitions shall not consist of more than eight rounds of not more than three minutes each, with at least one minute rest between each round, and the principals shall have their hands covered with properly padded gloves weighing not less than six ounces.

SEC. 3. *Be it further enacted*, That the club under whose auspices such exhibition is given shall designate some capable person to referee such exhibition, and it shall be the duty of said referee to stop said exhibition at any time when it may appear that serious bodily injury may result to either of the participants, or to stop it for other cause in his discretion.

SEC. 4. *Be it further enacted*, That no person shall engage in such exhibition as a principal before he shall have been examined by some reputable physician appointed by the club and pronounced in a prop-

er physical condition to safely engage in such contest.

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with this Act or any part thereof be, and the same are hereby, repealed.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 24, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved March 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 156.

### HOUSE BILL No. 134.

(By Shelby County Delegation.)

A BILL to be entitled "An Act to amend Chapter 75 of the Acts of 1859-60, entitled 'An Act to regulate the time of opening and holding elections in this State,' " passed March 16, 1860, so as to provide that the polls shall remain open from 9 A.M. to 7 P.M. in cities of a population of 15,000 and over.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 75 of the Acts of 1859-60, passed March 16, 1860, entitled "An Act to regulate the time of opening and holding elections in this State," be, and the same is hereby, amended by adding, after the last word of said Act, the following: "Except in cities having a population of 15,000 and over according to the Federal census of 1900 or any subsequent Federal census, in which cities the polls shall be opened at 9 A.M. and closed at 7 P.M."

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 19, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved March 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 157.

### HOUSE BILL No. 282.

(By Messrs. Harper and McWhirter.)

**AN ACT** to create a special school district in the Second Civil District of Weakley County, embracing [the] city of Martin, and to provide for rules and regulations relating to the operation of the school therein.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That a special school district, embracing the city of Martin, be, and the same is hereby, created in the Second Civil District of Weakley County. The boundaries of said city of Martin and the district herein created are as follows: Beginning at a stake in the center of the Illinois Central Railroad track 2,630 feet south of the center of the crossing of the said Illinois Central Railroad and the Nashville, Chattanooga and St. Louis Railway; thence west  $3\frac{3}{4}$  degrees north 2,506 feet to an iron stake; thence north 5 degrees west 3,611 feet to an iron stake; thence east  $3\frac{3}{4}$  degrees south 1,890 feet to an iron stake; thence north  $3\frac{3}{4}$  degrees east  $478\frac{1}{2}$  feet to an iron stake; thence east  $3\frac{3}{4}$  degrees south 1,384 feet to an iron stake; thence north  $3\frac{3}{4}$  degrees east 580 feet to an iron stake; thence east  $3\frac{3}{4}$  degrees south 900 feet to an iron stake; thence south  $3\frac{3}{4}$  degrees west 570 feet to an iron stake; thence east  $3\frac{3}{4}$  degrees south 270 feet to an iron stake; thence south  $3\frac{3}{4}$  degrees west 721 feet to an iron stake; thence east  $3\frac{3}{4}$  degrees south 578 feet to an iron stake; thence south  $3\frac{3}{4}$  degrees west 3,414 feet to an iron stake; thence west  $3\frac{3}{4}$  degrees north to the beginning. And it is *further provided* that whenever in the future the said city of Martin may be enlarged by proceedings under the general laws of the land providing for the enlargement of the boundaries of municipal corporations, the Mayor and Aldermen of said city of Martin are hereby given power to enlarge the boundaries of the school district herein created so as to coincide with

the boundaries of said city of Martin after such enlargement.

SEC. 2. *Be it further enacted*, That the Trustee of Weakley County be, and is hereby, directed and empowered to apportion to the district herein created, in proportion to the scholastic population of said district, its pro rata of all school funds in his hands at the time that this Act goes into effect or that may come into his hands after its takes effect under the same rules and regulations as he does to the other districts of Weakley County.

SEC. 3. *Be it further enacted*, That the Mayor and Aldermen of the city of Martin shall have the right to levy and collect a tax from year to year to raise a fund to supplement the amount of funds that the district shall be entitled to from the Trustee of Weakley County for the purpose of lengthening the terms of the school, and for such other purposes as the interest of the school may demand.

SEC. 4. *Be it further enacted*, That the schools in the district created by this Act shall be controlled and operated by a Commission composed of five members, who shall be designated as the "Board of Education of the City of Martin," and who shall be elected by the Mayor and Aldermen of said city, the first Board at the regular meeting of said Mayor and Aldermen in May, 1909, their terms of office and times of election, after the first election, to be fixed by ordinance of the said Mayor and Aldermen; and the Mayor and Aldermen of said city of Martin shall have the power and authority to pass and enforce such laws relating to the management of the said school as may to them seem best calculated to promote the interests of the school, in addition to the State laws relating thereto now existing, and may provide for higher grades to be taught in the school than is provided for by the State laws for the common schools under the exclusive control of the State.

SEC. 5. *Be it further enacted*, That all laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. *Be it further enacted*, That this Act take

effect from and after the first day of May, 1909, the public welfare requiring it.

Passed February 24, 1909.

M. HULLISMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved March 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 158.

### HOUSE BILL No. 347.

(By Mr. Marshall.)

AN ACT to prohibit any and all live stock from running at large in counties of the State having a population of not less than 15,755 nor more than 15,765 by the Federal census of 1900 or any subsequent Federal census; to provide penalties for the violations of the same; to create liens on stock trespassing in violation of same; and to provide methods for the enforcement of same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be unlawful for any owner or keeper of horses, mules, cattle, sheep, goats, hogs, or any kind of live stock to permit same to be or run at large in counties of this State having a population of not less than 15,755 nor more than 15,765 by the Federal census of 1900 or which may have such population by any subsequent Federal census.

SEC. 2. *Be it further enacted*, That any person willfully, knowingly, or negligently violating Section 1 of this Act shall be deemed guilty of a misdemeanor, and, upon conviction, shall pay a fine of not less than \$2 nor more than \$10 for each offense.

SEC. 3. *Be it further enacted*, That damage done by live stock running at large in any of said counties

shall be, and is hereby, constituted a lien upon such trespassing stock, to be enforced as other liens, by judgment at law and execution or attachment.

SEC. 4. *Be it further enacted*, That the owner or agent in control of such land upon which such live stock is found running at large or trespassing on shall have the right to take up said live stock and confine them, giving them good keep, and for which he shall be entitled to a reasonable compensation, which shall be a lien on said live stock, to be enforced as provided in Section 3 of this Act.

SEC. 5. *Be it further enacted*, That nothing in this Act shall relieve railroad companies in any way from damages by killing or damaging stock, and said railroad companies shall be liable under this Act for all damages done to stock as before the passage of this Act.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 24, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved March 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 159.

### HOUSE BILL No. 125.

(By Mr. McLaughlin et al.)

**AN ACT to create and establish a State Board of Embalmers, define its duties, and fix the compensation of its members; and to provide a system of examination, registration, and licensing of embalmers; to legalize the issuance of license to embalmers by the State Board of Embalmers; and to impose penalties for the violation of the provisions of this Act.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That there is hereby created and established a Board to be known as the "State Board of Embalmers." Said Board shall consist of five members, four of whom shall be practical and practicing embalmers, and one of whom shall be a member of the State Board of Health, and shall be selected one from West, one from East, and two from Middle Tennessee. The members of said Board shall be appointed by the Governor as soon as practicable after the passage of this Act. One of the persons so appointed shall hold office for one year, one for two years, one for three years, and two for four years, unless sooner removed. All appointments made at the expiration of the terms above mentioned shall be for a term of four years. Appointments to fill vacancies caused by death, resignation, or removal before expiration of the term shall be made by the Governor in the same manner for the residue of such term. The members of said Board of Embalmers shall be residents of the State of Tennessee, four of whom shall have at least five years of experience in the practice of embalming and the preparation and disposition of the dead. The Governor shall have the power to remove from office any appointive member of said Board for neglect of duty, incompetency, or improper conduct. The first Board shall be appointed on or before the first day of June, 1909, from the names sent to the Governor by the Funeral Directors' and Embalmers' Association of Tennessee; but if said nominations



are not made to the Governor by June 1 of any year, then the Governor shall appoint any suitable person to fill the vacancy occasioned by the expiration of the term of said member on said Board.

**SEC. 2.** *Be it further enacted,* That said Board shall meet once a year, and oftener if its duties require, at such time and place as the Board may decide, for the examination of applicants for license to practice the science of embalming the dead in this State. At least thirty (30) days' notice of the time and place of meeting of said Board shall be given.

**SEC. 3.** *Be it further enacted,* That the appointive members of said Board, except the Secretary, shall receive five dollars (\$5) per diem for each day of actual service during the meetings of said Board and actual railroad fare incurred in traveling to and from the meeting; and the salary of the Secretary shall be such sum as shall be decided upon by said Board, which per diem, mileage, and salary, together with the actual traveling and necessary expenses of the Secretary, and all other expenses of said Board, paid from the fees received under the provisions of this Act, and shall be in no manner an expense to the State. Board's salary.

**SEC. 4.** *Be it further enacted,* That it shall be the duty of any person engaged in the business and practice of embalming the dead human bodies in the State of Tennessee at the time of the passage of this Act, and who shall desire to continue in the same, to cause, from the first day of June, nineteen hundred and nine (1909), to the first day of January, nineteen hundred and ten (1910), an application for a licensed embalmer containing his name, residence, and place of business, and the name under which he is doing business, and a statement that at the time of the passage of this Act such applicant was actually and actively engaged in the embalming of dead human bodies arterially at the place named therein, such application to be signed by the applicant and the statement therein contained to be duly certified before an officer authorized to take acknowledgments, to be registered with said Board, whose Secretary shall have a book for the purpose, and who shall enter such registration therein upon payment of a fee of five dollars (\$5), whereupon the said Board shall issue applicant the license provided License- how issued.

for in this Act. Any person holding a certificate or diploma from a reputable embalming school or college may present the same to the said Board and accompanied by the fees required, whereupon the said Board shall issue applicant the license provided for in this Act.

SEC. 5. *Be it further enacted*, That from and after January 1, nineteen hundred and ten (1910) every person who has failed to make application for license and desires to engage in the practice of embalming dead human bodies within the State of Tennessee, and not licensed under Section 4 of this Act, shall make a written application to the said Board for an embalmer's license, accompanying the same with the application fee of ten dollars (\$10).

SEC. 6. *Be it further enacted*, That said State Board of Embalmers shall be authorized and empowered, at the time and place specified in the notice heretofore provided for, to examine all applicants for license to practice embalming and to determine whether or not such applicants possess the necessary qualifications to properly embalm dead human bodies; and if, upon such examination, said Board shall determine that such applicant is properly qualified to embalm dead human bodies, it shall grant a license to such persons to embalm dead bodies.

SEC. 7. *Be it further enacted*, That all license when issued shall be recorded by the Board, and such record shall be open to public inspection, and such license shall be admitted in evidence in any of the courts of this State, and shall be presumptive evidence of the facts therein contained. It shall be the duty of said Board to issue with each license a card bearing applicant's name and a corresponding number and seal, and the fact that he has been licensed as an embalmer.

SEC. 8. *Be it further enacted*, That any person obtaining a license under this Act shall register the fact, together with his license number, at the office of the Board of Health of the city, town, or place in which it is proposed to carry on said business, and shall also display said license in a conspicuous place in the office of his business place.

SEC. 9. *Be it further enacted*, That the said State Board of Embalming Examiners shall have power to revoke any license granted under this Act upon

conviction of violation of any of the provisions of this Act or any of the rules and regulations, or upon conviction of continued improper conduct, and said conviction being subject to approval by the courts of the State.

SEC. 10. *Be it further enacted*, That no license granted or issued under the provisions of this Act shall be assignable, and every such license shall specify by name the person to whom it is issued, and not more than one person shall carry on the practice of embalming the dead human bodies under one license. License not transferable.

SEC. 11. *Be it further enacted*, That the grand jury of each county in this State is hereby given inquisitorial power over all offenses against or violations of this Act, or the rules and regulations as herein prescribed; and the Circuit and Criminal Judges shall give the same in their charge to the grand juries, and, upon conviction thereof before any court of competent jurisdiction, said embalmer shall be guilty of a misdemeanor, and shall be sentenced, with the cost of the court, to pay a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50), and imprisonment at the discretion of the court.

SEC. 12. *Be it further enacted*, That every registered embalmer who desires to continue the practice of his profession shall annually thereafter during the time he shall continue in such practice, on such date as said Board may determine, pay to the Secretary of said Board a fee of two dollars (\$2) for the renewal of said license. The State Board of Embalmers is directed to recognize licenses issued to embalmers by authorities of other States having practically equivalent requirements.

SEC. 13. *Be it further enacted*, That the State Board of Embalmers is empowered to make such rules, regulations, and by-laws from time to time as it may deem necessary to properly carry out the provisions of this Act. That said Board of Embalmers shall establish a price of not more than, and no person engaged in embalming shall make a charge of more than, \$15 for embalming a body in any incorporated town or city of this State, and not more than \$20 for embalming any body outside of any incorporated town or city, and that no larger fees

than herein set out shall be collected either in law or equity.

SEC. 14. *Be it further enacted*, That all money received as fees by the State Board over and above said expenses of said Board shall be paid into the State treasury and added to the school fund.

SEC. 15. *Be it further enacted*, That this Act shall take effect from and after June 1, 1909, the public welfare requiring it.

Passed February 24, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved March 6, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

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## CHAPTER 160.

### HOUSE BILL No. 148.

(By Mr. Brown.)

AN ACT to provide for and regulate the taking of depositions in shorthand, or upon a typewriter, or in writing, and to provide for certificate thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in addition to the modes of taking depositions now authorized by law, it shall be lawful for any Clerk of a court, Justice of the Peace, Notary Public, or officer now empowered by law to take depositions to employ, upon request of either party, a reputable and competent stenographer or typewriter, who may take down the testimony of the witness in shorthand and thereafter transcribe it in longhand, or upon the typewriter, or who may take the testimony upon the typewriter

direct; and when certified as herein provided, may be read as evidence.

SEC. 2. *Be it further enacted*, That when the deposition of a witness is so taken, the stenographer, or person taking down the testimony, shall append his or her affidavit, setting forth that he or she took down the testimony correctly and correctly transcribed it and delivered it to the officer before whom the deposition was taken; and that said testimony as delivered to the officer correctly sets forth the testimony of the witness or witnesses, and that he or she is in no way interested in said suit or of kin or counsel to either party; and thereupon the officer before whom the depositions were taken shall certify in all respects as now required by law in case of depositions taken by the officer himself in longhand, except that instead of certifying that the testimony was reduced to writing by himself or the witness, he shall certify to the employment of the stenographer or typewriter taking the testimony, and that the same was not altered after being received by him from the stenographer or typewriter.

SEC. 3. *Be it further enacted*, That the party calling for the employment of the stenographer or typewriter shall be liable for his or her compensation.

The officer's fees for taking the deposition shall be taxed as now fixed by law, provided that nothing herein shall prevent the waiver of the affidavit and certificate by agreement, or the taking of depositions by consent, or in any of the other methods now provided by law.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 25, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 161.

### HOUSE BILL No. 249.

(By Mr. McDada.)

AN ACT to authorize Lake County, Tenn., to issue bonds in the sum of \$100,000 for the purpose of refunding a like amount of six per cent bonds now outstanding and issued under authority of an Act of the General Assembly of the State of Tennessee, being Chapter 318 of the Acts of 1899; and to provide for the levying and collecting of a tax to pay the interest and principal of same as they mature.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Lake be, and is hereby, authorized to issue bonds of said county in an amount not to exceed \$100,000 for the purpose of refunding a like amount of six per cent levee bonds of said county now outstanding and issued under authority of an Act of the General Assembly of the State of Tennessee, being Chapter 318 of the Acts of 1899. The proceeds of said bonds shall be used exclusively for the purpose of retiring the six per cent bonds now outstanding, or the said bonds provided by this Act may be exchanged dollar for dollar for said old bonds now outstanding, provided that none of said bonds be sold for less than par.

SEC. 2. *Be it further enacted*, That the bonds herein provided for shall be in such denominations, run for such length of time, be payable at such place or places, and bear interest at such rate not to exceed five per cent per annum, payable semiannually, and shall be sold at such time and place as the County Court of Lake County may deem best and order. Said interest shall be evidenced by coupons attached to said bonds, which coupons shall bear the facsimile signature of the Chairman of the County Court, and all bonds issued under authority granted in this Act shall be signed by the Chairman of the County Court and the County Court Clerk of Lake County, and shall have the seal of the County Court Clerk attached.

SEC. 3. *Be it further enacted*, That the County

Court of Lake County, at the annual meeting at which the tax rate and tax budget is fixed for other county taxes for said county, is hereby authorized, empowered, and directed to levy a tax sufficient to pay the annual interest upon such bonds as are issued under the terms of this Act, and also to provide a sinking fund to retire said bonds at maturity. Said tax shall be collected by the County Trustee, and he shall be entitled to the same compensation for collecting said tax as he is allowed for collecting other State and county taxes.

SEC. 4. *Be it further enacted*, That the Chairman of the County Court shall keep a well-bound book, in which the number, date, and amount of each bond issued is recorded, together with the amount and number of the coupon attached to said bond, and in said book shall be entered the name of the purchaser of each of said bonds, together with the amount paid for same.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 25, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 162.

### HOUSE BILL No. 302.

(By Knox County Delegation.)

AN ACT to amend an Act entitled "An Act to incorporate the town of Lonsdale, in Knox County, and define the rights, powers, etc., of said town," so as to change the corporate limits thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 2 of Chapter 305 of the Acts of 1907 of the General Assembly of the State of Tennessee, being an Act entitled "An Act to incorporate the town of Lonsdale, in Knox County, and define the rights, powers, etc., of said town," passed April 8, 1907, and approved April 11, 1907, be amended so as to change the boundaries of said corporation, such change to be made by adding the following words and figures at the end of Section 2 of said Act, after the words of said section, "Being 5.07 miles around," the following:

"Excepting from the foregoing description the following portion of the territory therein embraced, which is hereby excluded from the corporate limits of said town:

"Beginning at a point in the top of Sharp's Ridge, located by running from the center of the Sharp's Gap Pike at the northeast corporation corner, running thence south 82 degrees 25' west 733.31 feet to a stake; thence south 69 degrees 23' west 120.7 feet to a stake; thence south 48 degrees 47' west 301 feet to a stake; thence south 47 degrees 14' west 265.5 feet to a stake, which is the beginning point of said excepted territory; running thence south 4 degrees 0' west along the center of an alley 1,870 feet to a stake; thence north 86 degrees 0' west 350 feet to a stake in the center of an alley; thence south 4 degrees 0' west 1,425 feet to a stake in the center of an alley; thence south 41 degrees 30' west 1,420 feet to a stake; thence south 48 degrees 30' east 615 feet to a stake; thence south 41 degrees 30' west 175 feet to a stake; thence south 48 degrees 30' east 175 feet to



a stake; thence south 49 degrees 0' west 16 feet to a stake; thence south 67 degrees 0' west to a stake in the original line of the town of Lonsdale at a large poplar west of the creek; thence with the original line of Lonsdale from said poplar northwardly along said original line to the point of beginning in this description on the top of Sharp's Ridge, all of the foregoing territory being expressly excluded from the original corporation limits as described in said Section 2 of said former Act hereby amended."

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 25, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 163.

### HOUSE BILL No. 313.

(By Mr. Brooks of Cocke et al.)

AN ACT to provide for and enforce the education of all children between the ages of eight and sixteen years in counties of Tennessee having a population of not less than nineteen thousand one hundred (19,100) nor more than nineteen thousand one hundred and sixty (19,160) according to the Federal census of 1900 or any subsequent Federal census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every parent, guardian, or other person in this State having control or charge of a child or children between the ages of eight and sixteen years shall send such child or children to a public school or to some other school for

Cocke County  
Compulsory  
Education  
Law.

at least sixteen weeks or eighty days of not less than four hours each of each year, or as long as the public school of the city or district in which such child resides shall be in session, in case the session shall be less than sixteen weeks during the year, unless such attendance, in whole or in part, is excused by the District or City School Directors or other officers having control of the public school in a written exemption showing on whose application granted and the period and reasons for which the exemption was granted.

Who exempt  
from law.

SEC. 2. *Be it further enacted*, That no such exemption from school attendance shall be granted unless such child has completed the primary school course and attained proficiency in all the subjects or branches thereof, or unless such child has been or is being instructed for not less than sixteen weeks in the year in some private, parochial, or tutorial school or at home by competent and reliable teachers, or unless it appear from the competent medical or other positive and satisfactory testimony that the child is or was in such condition physically or mentally as to prevent its attendance at school, or its application to study for the period of exemption, or unless, because of sickness or extreme poverty, the wages, time, or labor of such child or children are essentially necessary for the support of a destitute parent, or brother, or sister in such indigent family to prevent them from becoming objects of charity; *provided*, that if any such child or children is of a family in extreme poverty and destitution, as aforesaid, the Commissioner of the Poor of the county may make an allowance or appropriation to reimburse the family or indigent child for the loss of time, work, or wages during school attendance, and to furnish such child or children necessary clothing, so as to enable such child or children to attend school for the time required without exemption on account of poverty and destitution aforesaid, which sum shall be paid by the Commissioners out of any funds at their disposal or by the county upon the recommendation of such payment by said Commissioners of the Poor; *provided, further*, that the District Directors and City Boards or other officers having control of the public schools of the districts and cities may, with the consent of the County or City Super-

intendent of Schools, buy and furnish with the school funds for any such child who is of a family in extreme poverty and destitution all necessary textbooks for use under the direction of the teacher in the schoolroom during school hours by such indigent child or children and no others, which books shall be delivered by the teacher to the District Directors or the City Boards of Education at the close of the school, or when the necessity thereof terminates; *provided, further*, that the occasional absence from such attendance by any such child between the ages of eight and sixteen years, not amounting to more than two unexcused absences in four consecutive weeks, reckoned in periods of four weeks from the beginning of the school term, shall not be unlawful.

SEC. 3. *Be it further enacted*, That the attendance of sixteen weeks or eighty days required shall begin with the opening of the school session for the year, and shall be consecutive, except for holidays, vacation, detention by sickness, and other necessary and unavoidable causes, and such intermissions of such attendance shall not be counted as part of the sixteen weeks required; *provided*, that any responsible principal or teacher of any school shall have power to exempt any such child for temporary absence on account of unusual storm, bad weather, or high waters, death in the child's family, providential hindrance, unforeseen and unavoidable accidents, and for the observance of religious festivals and holidays; *provided, further*, that the provisions of this Act shall not apply in cases where the home of the parent or other custodian of a child or children between the said ages of eight and sixteen years is more than two and one-half miles from the nearest public school by the shortest road.

SEC. 4. *Be it further enacted*, That any failure on the part of any parent, guardian, or other custodian of any child between the ages of eight and sixteen years to comply with the foregoing sections of this Act, unless exempt or excused therefrom as herein provided, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) for each offense, and shall pay all costs, such fine to be collected by suit in the name of the State before any

Penalty for failure to comply with law.

court having competent jurisdiction, and to be paid into the county treasury and applied to the use of the public school of the district or city in which the offense was committed.

**SEC. 5.** *Be it further enacted,* That during the period of the year that the public schools of any district or city of this State are in operation it shall be a misdemeanor, punishable by fine, for any person, firm, or corporation to hire or use the services of any child between the ages of eight and sixteen years, unless such child shall first have attended school during the year then current for the length of time required by this Act, or unless such child has been excused from school attendance in the manner allowed and prescribed by this Act, and a violation of this provision shall subject the offender to a fine of ten dollars (\$10) for each offense, collectable in an action in the name of the State before any court of competent jurisdiction, and payable to the County Trustee for the benefit of the public school of the district or in which the offense was committed.

**SEC. 6.** *Be it further enacted,* That it shall be the duty of all school officers, whose duty it is to take the school census within their respective districts, counties, and cities, to ascertain at the time of taking the annual census of the school children as required by law the full name and the age of each child, and the name and place of residence of the child's parent, guardian, or other custodian, and record the same in their respective offices, and make report thereof to the County Superintendent of Public Instruction. The District Clerk or the Secretary of the City or County Board of Education shall, at the beginning of the school session, furnish to the principal or teacher of each public school under control of the respective Boards a copy of the census of all children between the ages of eight and sixteen years belonging to the school in charge of such principal or teacher or residing in the school limits thereof.

Principal of  
school to  
notify  
parents.

**SEC. 7.** *Be it further enacted,* That the principals or teachers of the public schools shall, at the opening of the public school session for the year, bring to the attention of all parents and other custodian of any child or children between said ages, respectively, the provisions and penalties of this Act, and they shall keep a record of the actual time of attendance

of all children assigned to them or residing in the school limits of their respective schools. Said teachers shall notify the parent or custodian of any child between the ages of eight and sixteen years belonging to the school in his or her charge of the absence of such child, which notice shall be in person or in writing and within three days after the absence occurs. At the close of each school month said teachers shall report in writing to the Clerk of the District Directors or the Secretary of the City or County Board of Education, by which he or she was employed, a list of all absences of all children between the ages of eight and sixteen years which occurred during the month, together with copies of all excuses offered by the parents or other custodians of the children who have been absent, and also a statement as to which excuses were accepted as true and sufficient; *provided*, that no warrants for teachers' salaries shall be issued or the salaries paid until such reports are made; and the District Directors and City Boards or officers having control of the district and city schools shall require of the teachers such reports as to the attendance and nonattendance of such children assigned to them, respectively, for supervision, and make such records thereof as that the records of their offices shall at all times show the names and residences of all the persons within their respective districts and cities who fail to comply with the requirements of this Act.

SEC. 8. *Be it further enacted*, That it shall be the duty of the District, County, and City School Boards having control of the public schools in the districts and cities, through the Clerk or Secretary, as their agent or other school officer designated by the respective Boards, to enforce the payment and collection of all fines for the violation of this Act incurred by employers, parents, and others within respective districts and cities, and for this purpose to institute all necessary suits therefor in the name of the State before any court having competent jurisdiction, which fines shall be paid to the County Trustee, who shall place the same to the credit of the school of the district or city where the offense was committed and pay out and account for the same as prescribed by law for other funds. Said Board and officers shall institute said suits for said violations of this Act

within ten days after the close of the school, and not later than the last week in June of each and every year, and shall prosecute the same with due diligence; *provided*, that the Clerk or Secretary of said Boards or School Directors may report from time to time during the school or any time after its close any violation of this Act or any unexcused absence to any Sheriff or Deputy Sheriff of the county or any Constable of the district, and it shall be the duty of said officers and all peace officers to arrest and prosecute such offenders. Said officers shall arrest any such child of school-going age that habitually haunts public places and has no lawful occupation, and also any truant child who absents himself or herself from school, and to place him or her in charge of the teacher of the public school which such child by law is entitled to attend, or in some other school designated by the parent or custodian in which arrangements for its reception have been made; *provided, further*, that, in case of conviction and fine by any Justice of the Peace for any violation of this Act, the defendant may appeal to the Circuit or Criminal Court of the county upon securing the fine and all costs or by taking the pauper oath and giving a good and solvent appearance bond in the sum of two hundred and fifty dollars (\$250).

Reports to be  
made—  
when.

SEC. 9. *Be it further enacted*, That it shall be the duty of the State and County Superintendents of Public Instruction to require the District Directors and City Board of Education or other officers in control of the public schools to make such reports from time to time as may be deemed necessary, showing the enrollment of all the children within their respective districts and cities between the ages of eight and sixteen years in the public schools or other substituted schools, and the extent to which such attendance on the part of any child falls short of the requirements of this Act, together with the names and residences of the parents, guardians, or other custodian of the children who have failed in any respect to meet the requirements of this Act, and a list of the fines incurred and entered thereunder, with an itemized list and the amount of such fines actually collected.

It shall be, further, the duty of the County Superintendents and of the State Superintendents of Pub-

lic Instruction to show in their annual reports or in their special reports the effects and results of the enforcement and operation of this Act, and to recommend such amendments and extensions thereof as in their judgment will result in the more effectual attainment of the purposes of this law and the better education of the children.

SEC. 10. *Be it further enacted*, That any School Director, member of a County or City Board of Education, or teacher of any public school who willfully or negligently fails or refuses to comply with any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50) for each offense, to be collectable and payable as hereinbefore prescribed in Sections 4 and 5 of this Act.

SEC. 11. *Be it further enacted*, That this Act shall only apply to counties of the State of Tennessee having a population of not less than nineteen thousand one hundred nor more than nineteen thousand one hundred and sixty according to the Federal census of 1900 or any subsequent Federal census; *provided*, that the provisions of this Act shall not abridge or interfere with the right of all children to attend the public schools until they are twenty-one years of age; *provided, further*, that this Act shall not be so construed as to affect or abridge the rights of districts or counties and cities to maintain separate schools or school systems of their own.

SEC. 12. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 24, 1909.

S. B. TATUM,  
*Speaker pro tem of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 164.

### HOUSE BILL No. 357.

(By Mr. Ashley.)

AN ACT to incorporate Belfast, Marshall County, Tenn.; to provide for the election of corporate officers, and define their powers and duties, and provide for their compensation; and to define the powers of the Board of Mayor and Aldermen.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the inhabitants of the town of Belfast, in the county of Marshall, and State of Tennessee, within the boundaries hereinafter set out, be, and they are hereby constituted a body politic and corporate under the name and style of "Belfast," and under that name they may have perpetual succession; may sue and be sued, plead and be impleaded in all courts of law and equity and in all actions whatsoever; receive, purchase, and hold for corporate purposes real and personal property within said corporation, and may sell, lease, or dispose of the same for the benefit of the corporation; and may purchase or otherwise acquire and hold property, real and personal, beyond the limits of the corporation to be used for the burial of the dead, for the erection of waterworks, for the establishment of a poorhouse, pesthouse, workhouse, and calaboose, or for a public park or promenade, for any other corporate purpose that the Board of Mayor and Aldermen may deem necessary or proper, and may by ordinance direct the sale, lease, or other disposition of such property for the benefit of the corporation, and execute conveyances as natural persons, and they may have and use a corporate seal and alter the same.

Boundaries.

SEC. 2. *Be it further enacted,* That the corporate boundaries of Belfast shall be as follows: Beginning at a spring about 300 yards west of the home of R. B. Cummings, known as the "Bill (Ross) McAdams Spring," and running thence in a northwest direction to a point on the north side of the Belfast and Lewisburg Turnpike, where the line separating R.



L. McDaniel and James Whitsette strikes said pike, the said line being a north and south line; thence north, following said McDaniel-Whitsette line to a point where it is crossed by the Nashville, Chattanooga and St. Louis Railway; thence in a northeast direction to the northwest corner of R. W. McAdams' barn lot, about 25 feet northwest of where his barn now stands; thence in a northeast direction to the northwest corner of J. M. Chapman's yard; thence east to the northeast corner of said Chapman's yard; thence in a southeast direction to the northeast corner of the yard of T. L. McAdams; thence on a line a little east of south to a point where a public road crosses the Nashville, Chattanooga and St. Louis Railway, a point about 300 yards east of the home of Robert J. Orr, Sr.; thence in an almost due west direction to the southwest corner of J. N. Petty's barn lot; thence a straight line running in a northwest direction to the spring mentioned, the same being the old "Bill (Ross) McAdams Spring," the beginning.

SEC. 3. *Be it further enacted*, That the officers of the town of Belfast, to be chosen by the election of the people, shall be a Mayor and five Aldermen. Said Mayor and Aldermen shall constitute and compose the Town Council; said Mayor and Aldermen shall be bona fide citizens of and voters in said town; they shall be elected by the qualified voters of the town, and shall hold their office for two years, and until their successors shall be elected and qualified. The Mayor or any Alderman or any other officer elected by the Town Council removing from the corporate limits during their respective terms of office shall hereby vacate said office.

Officers to be  
elected.

SEC. 4. *Be it further enacted*, That the officers of the town of Belfast to be elected by the Town Council shall be a Recorder, a Treasurer, a Marshal, and such other officers, agents, and servants as the Council may deem necessary and may provide for by ordinance. The Recorder shall be chosen by the Town Council from the Aldermen-elect, and the Treasurer and the Marshal shall be chosen from the bona fide residents of and the qualified voters in the corporation. The Recorder and Treasurer and Marshal shall be elected at the first meeting of the Town Council after its election and qualification in such

manner as the Town Council may provide, and these officers shall hold their offices for a term of two years, or until their successors shall be elected and qualified. The Town Council shall have the power to prescribe the duties of all such officers, agents, or servants; the Town Council shall have the power to dismiss any officer, agent, or servant elected by the voters of the town or elected or appointed by the Town Council for any misdemeanor, misconduct, or malfeasance in office; *provided*, that it shall take a two-thirds vote of the Town Council to so remove such officer, agent, or servant, and their places shall be filled as other vacancies.

SEC. 5. *Be it further enacted*, That the election for Mayor and Board of Aldermen of the said town of Belfast shall be held by the Officer, Judges, and Clerks appointed by the Commissioners of Election of Marshall County, Tenn. Said Judges and Clerks shall be legal voters in said town. Said election shall be held for the year 1909 on the first Saturday in March, 1909, and ever thereafter on the first Saturday in March of each year; *provided*, that in the event the said Commissioners of Election fail to hold an election on the first Saturday of March of any year, then they shall advertise and hold the same as soon after as sixty days' notice can be given. The vote shall be by ballot, and the Board of Mayor and Aldermen shall fix by ordinance the place, the hours, etc., of said election. Notice of said election shall be given at least sixty days before the date of same. (Usual notice of election.)

SEC. 6. *Be it further enacted*, That the Judges and Clerks to hold the election shall be sworn and qualified according to the election laws of the State. The vote shall be by ballot, and the same rules and regulations that are in force in the State and various county elections shall be enforced in the election of the officers to be elected by the people and under the provisions of this charter. It shall be the duty of the Judges and Clerks holding these corporation elections to file a properly authenticated poll list and tally sheet with the Recorder, who shall preserve the same.

Qualification of  
electors.

SEC. 7. *Be it further enacted*, That the following shall be the qualifications for voting in the town elections:

1. He shall be qualified to vote for the State and county officers, and every person who is otherwise a qualified voter for State and county officers shall, as a condition precedent to the exercise of voting in all municipal elections, furnish to the Judges of election satisfactory evidence that he has paid the poll tax, if any assessed against him by the Board of Mayor and Aldermen, for the year next preceding the election, without which his vote shall not be received.

2. He shall have been a resident for six months preceding the election within the corporate limits, or shall be a bona fide owner of real estate in the corporate limits of the assessed value of \$50.

3. If a nonresident of the city, but a bona fide owner of at least \$50 worth of real estate within the corporate limits, he shall have the right to vote in all corporation elections.

SEC. 8. *Be it further enacted*, That the person receiving the highest number of votes for Mayor shall be declared elected, and the five persons receiving the highest number of votes for Aldermen shall be declared elected, and it shall be the duty of the Officer or Officers holding the election to make out a certificate of the person so elected, and within three days after the election file the same with the Mayor-elect, and the same shall be produced at the first meeting of the Town Council, and shall be spread of record on the minutes of the meeting. Canvassing the vote.

SEC. 9. *Be it further enacted*, That in case there is a tie vote in the election of Mayor or Alderman, or all or either, the Judges and Clerks shall certify the same to the Commissioners of Election of Marshall County, and the said Commissioners shall forthwith give notice of same and hold an election for the filling the same office in which the tie may exist, and he shall advertise the same for sixty days, and said election shall be as herein prescribed. Tie vote.

SEC. 10. *Be it further enacted*, That the Board of Mayor and Aldermen-elect shall meet at the usual place of meeting on the . . . . . of the year in which they were elected, at which time they shall be duly installed in office. The Mayor and Aldermen shall each take an oath, before entering upon the duties of their respective offices, to execute the same fairly, faithfully, and impartially, and the Mayor and Al- Oath of officials.

dermen shall also take an oath to support the Constitution of the United States and the Constitution of the State of Tennessee; and the same meeting the Board shall elect a Recorder, Marshal, and a Treasurer, as hereinafter provided, and they shall elect or appoint all other such officers as are then prescribed by ordinance, and before entering upon the discharge of the duties of office of Recorder, Marshal, and Treasurer shall take an oath to faithfully and honestly to perform the duties of their respective offices.

Vacancies.

SEC. 11. *Be it further enacted*, That in case of death or removal or resignation of any officer elected by the people or by the Board during his term of office, the Board shall fill such vacancy by electing his successor. Said election shall be held as soon after the vacancy occurs as ten days' notice of the election can be given before some regular meeting of the Board, and the person or persons so elected shall perform the same duties and be vested with the same powers and privileges as the person whose duties they are appointed to fill and upon like conditions.

Term of Mayor.

SEC. 12. *Be it further enacted*, That the Mayor shall hold his office for a term of two years, or until his successor shall be elected and qualified. No person shall be elected Mayor who is not at the time of his election a citizen of the State of Tennessee and a resident and a bona fide citizen of and a voter in the corporation. It shall be the duty of the Mayor to preside at the meetings of the Council; to take care that all town ordinances are enforced, respected, and observed; to call special sessions of the Council when he may deem it expedient; to see that the property of the city is protected and preserved; to take acknowledgments of all bonds of officers; to fill all vacancies, except that of Alderman, until the same can be filled by election as hereinbefore provided; to try all cases for the violation of any and all ordinances of the corporation, and a Mayor's Court is hereby established, and the Mayor is vested with all the powers of a Magistrate of Marshall County, and shall try all offenses against the peace and dignity of the town; *provided*, that in the absence of the Mayor, or in the event that he shall for any reason be incompetent to try a case, the same duties are

Duties.

hereby conferred upon the Recorder; and in the event that both the Mayor and Recorder be absent or incompetent, then the Justice of the Peace for Marshall County, resident within the corporation, shall have the power to sit and try corporation cases, his judgment showing that he sit in the place of the Mayor or Recorder. In case a party accused makes oath that justice, in his opinion, will not be meted out to him, and his sworn application is supported by at least two disinterested parties, a change of venue may be had from the Mayor's Court to the Justice of the Peace living within the corporate limits, and said Justice of the Peace is hereby empowered and authorized to try and decide said case under the ordinances of the town. All appeals from corporation cases shall be to the Circuit Court at Lewisburg, Tenn. In the event that an appeal is taken from any fine imposed by the Mayor or Recorder, or the corporate Justice of the Peace trying the case, to the Circuit Court at Lewisburg, Tenn., the person so appealing shall give bond and securities for the payment of the fine and cost, and to abide by and perform the judgment of the court on appeal, and shall in no case be entitled to an appeal from said fine and cost on a pauper's oath.

SEC. 13. *Be it further enacted*, That in the absence of the Mayor for any reason from a meeting of the Town Council, it shall be the duty of the Aldermen to elect a Mayor pro tem from their members, whose duty it shall be to preside at said meeting and discharge all duties of a Mayor, and all Acts of said Mayor pro tem and all matters of business of the Board transacted while he is so acting shall be as valid and binding as if the Mayor was present in person. Absence of Mayor.

SEC. 14. *Be it further enacted*, That for any violation of the town charter, by-laws, or ordinances coming to the knowledge of the Mayor, it shall be his duty to issue a warrant and order the arrest of the parties or party so offending, to be brought before him for trial; and in the absence of the Town Marshal, he shall have power to appoint any citizen of the town to act as a special Marshal in such cases, or the Mayor may, for any violation of any of the by-laws or ordinances of the town committed in his presence, order any person or persons to arrest said Mayor may cause arrest.

violator of the law and bring such person before him for trial. Any person or persons appointed by the Mayor to execute a warrant or ordered to arrest any offender for the violation of the by-laws or ordinances committed in his presence, who shall refuse to execute said warrant or arrest said offender, said person or persons, shall be guilty of an offense against the corporation and subject to a fine as hereinbefore [hereinafter] provided in Section 16 of this Act for refusing to assist the Town Marshal.

Duties of Town  
Marshal.

SEC. 15. *Be it further enacted*, That the duties of the Town Marshal shall be as follows: He shall thoroughly acquaint himself with the laws and ordinances of the town, and he shall rigidly enforce the same, and for this purpose police power is hereby given, which he may exercise without warrant in hand. He shall collect all fines in favor of the town; he shall collect all taxes levied by the Council, except privilege and special taxes; he shall perform such other duties as the Town Council may by ordinance impose upon him.

SEC. 16. *Be it further enacted*, That the Town Marshal of Belfast shall have the power to execute all civil and criminal processes in the corporate limits that Constables have, and for this purpose he is clothed with all the powers of the Constable. The Town Marshal shall have power to execute all warrants issued by the Mayor, and to make arrests for all violations of the town ordinances. He shall have the power to summon any person or persons to aid him in the execution of any process or the arrest of any violator of the ordinances of the town, and upon their refusal to aid him in the execution of any process or the violation of any ordinance of the town, such person or persons summoned shall forfeit and pay the sum of \$10 for any such refusal, to be recovered before the Mayor for the use of the town, and on such fine being assessed by said Mayor, it shall be recovered as fines assessed for the violation of any ordinance of the town.

Duties of  
Recorder.

SEC. 17. *Be it further enacted*, That the duties and the powers of the Recorder shall be as follows: He shall keep in a well-bound book an accurate minute of all the proceedings of the Town Council; he shall issue all privilege license and collect the taxes on same; he shall collect all special taxes levied by the

Town Council, unless otherwise ordered by the Town Council, and shall keep a proper account of all taxes and revenues collected by him; he shall have supervision over cemeteries, and shall, at the prices fixed by the Council, sell all grave lots and keep a faithful record of the same; he shall make out the tax books for the town and turn the same over to the Town Marshal at the date fixed by the Town Council, and in assessing the tax he shall be under the State laws regulating and governing the assessors of the State and county taxes; he shall draw a warrant upon the Treasurer for all the moneys ordered to be paid by the Town Council, and keep a record of the same in such manner as the Town Council might prescribe; and he shall do and perform such other duties as the Town Council may by ordinance impose upon him.

SEC. 18. *Be it further enacted*, That the duties of the Treasurer shall be as follows: He shall receive from the Town Marshal and Recorder all funds whatsoever that come into his hands, and give receipt for same, and shall take care of and keep a proper account of same, and he shall receive and take care of any other funds which shall be properly coming to the town from any other sources, and for this purpose he shall keep book or books as the Town Council shall direct; he shall pay out said funds only upon a warrant of the Recorder; he shall make out quarterly a full and explicit account of finances under his control and report the same to the Town Council; he shall also make out a complete statement of all the finances of the city, which report and statement the Town Council may order published for the information of the citizens of the town; he shall perform such other duties pertaining to his office as the Town Council may by ordinance impose upon him.

Duties of  
Treasurer.

SEC. 19. *Be it further enacted*, That the duties of the other officers, agents, and servants of the town shall be such as the Town Council by ordinance may prescribe.

SEC. 20. *Be it further enacted*, That before entering upon the discharge of their respective duties, the Marshal, Recorder, and Treasurer shall each enter into bond in the sum of two hundred and fifty dollars (\$250), conditioned upon the faithful and proper performance of their duties. Said officers shall enter into bond, with good and sufficient securities, in

Bonds of  
officers.

double the supposed amount of money which may come into their hands, conditioned upon the faithful and diligent collection and accounting of all moneys that shall and ought to come into their hands for fines, forfeitures, and other moneys due the town, and which ought to by law be collected and paid over by them. The Marshal shall be liable as herein mentioned for failing to collect money, return process, or pay over money collected by process issued by the Mayor, and fines and penalties collected by him; and the Recorder shall be liable for failing to collect any and all moneys which it is made his duty to collect under this charter. Said bonds shall be made payable to the Board of Mayor and Aldermen of Belfast and their successors in office, for the use and benefit of the said town. Said bond shall be approved by the Board of Mayor and Aldermen at a regular meeting, or a meeting called for the purpose, and shall be spread of record on the minutes, and the bond shall be filed and carefully preserved among the records of said town. A copy of said bond, certified by the Recorder, shall have the same force and effect of certified copies from courts of record. No officer of the corporation shall become a bondsman for any other officer.

Fees of  
officers.

SEC. 21. *Be it further enacted*, That the Mayor shall have and receive all such fees for the trial of all cases brought before him as are allowed the Justices of the Peace of the State of Tennessee for the trial of all criminal offenses, and he shall receive no other compensation for his services as Mayor. The Marshal, for arrests, serving summons, etc., shall be entitled to have and receive such fees as Constables are entitled to receive for similar cases or service, as the Council may provide. He shall receive a salary not to exceed two hundred and forty dollars (\$240) per annum. For his services as overseer of the work on the streets, or for any other work which is public, prescribed by the Town Council, he shall receive no compensation. The Recorder shall have and receive not exceeding fifty cents for issuing any privilege license and for his other services not exceeding \$15 per annum. The Treasurer, or Recorder who may also act as Treasurer, shall receive for handling the money of the corporation not exceeding three per cent. All Aldermen shall serve



without compensation. The Board of Mayor and Aldermen shall have no power to alter, increase, or in any way attempt to fix the salaries of such officers at an amount exceeding those herein mentioned.

SEC. 22. *Be it further enacted*, That the Town Council shall have power by ordinance within the corporate limits:

Powers of  
Town Council.

1. To levy and collect taxes upon all real and personal property, polls, and privileges taxable by the laws of the State of Tennessee.

2. To appropriate money and provide for the payment of all debts and expenses of the town.

3. To license, tax, and regulate every thing, person, business, and corporation licensed, taxed, and regulated by the State and county.

4. To open, establish, extend, widen, alter, abolish, and discontinue any street or streets; grade, pave, and otherwise improve, clean, and keep in repair streets, alleys, and sidewalks; and establish and maintain and keep in repair crossings, bridges, culverts, sewers, and gutters, or alter, change, or abolish the same, or have the same done.

Streets.

5. To prevent all encroachments upon and into all streets, sidewalks, lanes, avenues, and alleys established by law or ordinance, and to recover the same.

6. To remove all obstructions from the sidewalks and streets, and provide for the construction and repairing of all sidewalks, curbstones, bridges, gutters, and culverts, and for the cleaning and keeping in repair the same at the expense of the owners of the ground fronting thereto.

7. To provide for lighting the streets, alleys, avenues, and public places.

8. To regulate the use of stovepipes, lights, flues, etc., in all houses, shops, stables, kitchens, and other places.

9. To regulate the storage of gunpowder, tar, pitch, resin, saltpeter, gun cotton, and all other combustible materials.

Powder and  
inflammables.

10. To regulate, restrain, and prohibit the erection of wooden buildings in any part of the town.

11. To regulate, restrain, and prohibit the establishment and carrying on of manufactories dangerous in causing, producing, or spreading fires.

12. To provide for the prevention and extinguish-

Fires.

ment of fires, and provide for the organization and maintenance of fire companies.

13. To erect market houses, establish markets, and regulate the same.

14. To provide for the buildings necessary for the use of the town.

15. To provide for the inclosing, improving, and regulating of all public grounds belonging to the town, in or out of the corporate limits.

16. To regulate or prohibit all disorderly houses or bawdy houses.

To regulate  
police.

17. To regulate the police of the town, impose fines, forfeitures, and penalties for breach of any law, by-law, or ordinance, and to provide for the recovery and appropriation of the same, and to appoint officer, being the Mayor, before whom such recovery shall be had, not, however, to exclude the jurisdiction of the Recorder or the Justices of the Peace within said corporate limits, as hereinbefore provided; *provided, however,* that the penalties prescribed shall not exceed fifty dollars (\$50) and costs and thirty days' imprisonment for any single offense.

To prevent  
riots.

18. To provide for the arrest and confinement until trial of all disorderly, violent, and riotous persons within the corporate limits by day or night; to authorize the arrest and detention of all suspicious persons found violating any ordinance of the town.

19. To prevent and punish by pecuniary penalties or otherwise all breaches of the peace, noise, disturbance, disorderly conduct or disorderly assemblies in any alley, street, house, or other places in the corporate limits by day or night.

Workhouse.

20. To erect, organize, and maintain and regulate within or near the corporate limits a workhouse and calaboose for the safe and proper detention of all persons committed to the same, under the powers granted under this charter, and the Mayor is hereby empowered to commit offenders to said calaboose and workhouse; and if no workhouse or calaboose is provided by said corporation, its prisoners may be committed to the county jail of Marshall County, and for such keeping the said corporation shall pay the jailer of said county jail such fees as are provided by law for the keeping of State prisoners.

21. To commit any person who may fail or refuse to pay any fine or cost imposed upon him or her by

any ordinance of said town to the calaboose or workhouse until such fine and cost be fully paid. Every person so committed to the calaboose or workhouse shall be required to work for the town at such labor as his or her strength will permit within or without said calaboose or workhouse, not exceeding ten hours each day, and for such work the person so working shall be allowed, exclusive of board, a credit upon such cost or fine of fifty cents per day until the whole is discharged, when such person shall be released.

22. To prevent, suppress, abate, and remove all nuisances.

23. To make regulations to prevent the introduction of contagious diseases into the town and the spread of the same; to establish a Board of Health for this purpose, who are empowered to enforce the ordinance relating thereto within one mile of the corporate limits. To preserve health.

24. To establish hospitals and make regulations for the same.

25. To make general regulations to secure the health of the inhabitants of the town.

26. To establish a system of free schools and maintain the same for [by] taxation, when such taxation shall have been ratified by two-thirds of the qualified voters of the town voting at an election held for the purpose, and to regulate said school so as to avoid race or sectarian influences.

27. To establish standard weights and measures, and regulate the weights and measures to be used in the town for all cases not otherwise provided by law.

28. To provide for the inspection of timber and other building material.

29. To provide for the inspection and the weighing and measuring anything not prohibited by the State law.

30. To prepare and publish a digest of all the ordinances and restrictions of a public nature within six months after the passage of this Act, and a like digest as often thereafter as they may deem necessary.

31. To pass all ordinances not contrary to the Constitution and laws of the State that may be neces-

sary to carry out the provisions and full intent and meaning of the object of this corporation.

32. To exclusively license and regulate billiard halls, bowling alleys, and other places of resort.

SEC. 23. *Be it further enacted*, That all ordinances shall be signed by the Mayor and Recorder, and the same shall be spread upon the minutes of the Council, and shall then be filed and preserved among the records of the town. They shall also be recorded in a book kept for the purpose, and a certified copy from the minutes of an ordinance or the book kept for that purpose shall be full evidence of the same in all trials of any of the courts of the State, the certificate to be made by the Mayor or Recorder under the seal of the corporation, if the corporation use a seal.

**Taxes.**

SEC. 24. *Be it further enacted*, That the Town Council shall have full power to enforce the collection of all taxes assessed upon real and personal property, polls, and privileges, and to this end the Marshal of the town of Belfast is clothed with all powers of the collection of taxes on personal and real property and polls in the corporation that is by law conferred upon the collector of State and county taxes of the same character; and the Recorder of the town of Belfast is clothed with all the powers for the collection of privilege taxes in the corporation that are by law conferred upon a collector of State and county privilege taxes, with the same penalties prescribed by the State law.

SEC. 25. *Be it further enacted*, That the Town Council shall have the full power to collect all delinquent taxes and privileges that become due the corporation, and to this end they shall have power to appoint such officers and agents as they shall deem expedient, who are hereby empowered to proceed to collect all such delinquent taxes in the same manner that delinquent State and county taxes are collected, and the general statutes of Tennessee in force as to the mode of collection, penalties, etc., at the time of the collection of said taxes shall be enforced, and shall apply to and inure to the benefit of the corporation of Belfast for the collection of its delinquent taxes.

SEC. 26. *Be it further enacted*, That if the Recorder or the Marshal of the said town of Belfast shall

fail to collect, or, after collection, fail or refuse to pay over any money by either of them received for the use of the town, such Recorder or Marshal, as the case may be, shall be liable to be proceeded against by motion or by original suit in the Circuit Court of Marshall County, or in other court having jurisdiction of the person of such Recorder or Marshal, as the case may be; and it shall be the duty of the said court to enter up judgment against any such delinquent officer and his securities for the money so received, or that ought to have been collected in the name of the Mayor and Board of Aldermen of Belfast for the use of the said town; *provided*, that in case the action shall be commenced by motion, such officer shall have five days' notice of the same.

SEC. 27. *Be it further enacted*, That this charter is declared to be a public Act, and may be read in all the courts of this State without proof.

SEC. 28. *Be it further enacted*, That all Acts or parts of Acts contrary to and inconsistent with the provisions of this Act, or within the purview thereof, are hereby repealed.

SEC. 29. *Be it further enacted*, That this Act take effect on the first day of March, 1909.

Passed February 25, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 165.

### HOUSE BILL No. 370.

(By Mr. Phillips.)

**AN ACT to be entitled An Act to amend Section 15 of Chapter 559 of the Acts of 1907 of the General Assembly of the State of Tennessee, being an Act entitled An Act to establish a Criminal Court in Hickman County, Tenn., and to define its powers and jurisdiction.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Section 15 of Chapter 559 of the Acts of 1907 of the General Assembly of the State of Tennessee be, and the same are hereby, amended by striking out all the words of said section after the word "to," in the second line of said section; and inserting instead thereof the words: "The Supreme Court for the State of Tennessee."

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 25, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WM. KINNEY,**  
*Speaker of the Senate.*

Approved March 6, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

## CHAPTER 166.

### HOUSE BILL No. 413.

(By Mr. Cole.)

AN ACT to be entitled An Act to regulate the laying out, supervising, and working of public roads in counties having a population of not less than 24,205 and not more than 24,210 according to the Federal census of 1900 or any subsequent Federal census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Quarterly Court of such county or counties at its April term, 1909, to elect five Road Commissioners for said county who shall be freeholders of said county and who shall hold their offices as follows: They shall elect one Commissioner to hold until January 1, 1910; another, until January 1, 1911; another, until January 1, 1912; another, until January 1, 1913; and the other, until January 1, 1914; and forever after that the County Court shall annually at its January session elect one Commissioner whose term of office shall be for five years, and until his successor is elected and qualified; and said court shall, at the January session of each and every year, beginning January 1, 1910, elect a Commissioner to succeed the one elected at the April term, 1909, and at each January term thereafter shall elect a Commissioner to succeed the Commissioner whose term expires as herein provided; and any Commissioner so elected shall be removable by the Quarterly County Court of such county by a majority of the votes of the Justices voting therefor for misfeasance, malfeasance, or for failing to discharge the duties imposed on him by this Act.

*Applies to  
Henry  
County.*

*Road Com-  
missioners.*

SEC. 2. *Be it further enacted*, That should any Commissioner fail to qualify within thirty days after his election, it shall be the duty of the Judge or Chairman of the County Court of such county to appoint a Commissioner to fill the vacancy, and the appointee shall serve as Commissioner until the next

January term of the Quarterly County Court, when Commissioner shall be elected by said County Court.

Chairman and  
Secretary.

SEC. 3. *Be it further enacted*, That each of said Commissioners, before he enters upon the discharge of his duties, shall take an oath before the Clerk of the court in term time or in vacation that he will well and truly discharge his duties as prescribed by law to the best of his ability. Said Commissioners shall elect one of their number Chairman of the Board and one of their number Secretary of the Board, who shall hold their offices for the period of one year, and until their successors are elected by the Board, and said Commissioners shall meet on the second Monday in January of each and every year, at which time the newly elected member or members of the Commissioners shall be qualified, and the Commissioners shall, at said time of each and every year, elect a Chairman and Secretary. The Secretary of the Board shall keep in a well-bound book the minutes of the proceedings of the Board, and shall perform such other duties as the Commissioners may direct. It shall be the duty of the Commissioners elected at the April term to immediately qualify, organize, and elect a Road Supervisor for the county, who shall hold his office until the second Monday in January, 1911, at which time and every two years thereafter said Board shall elect a Supervisor, who shall hold two years, and until his successor is elected and qualified.

Road Supervi-  
sor.

SEC. 4. *Be it further enacted*, That the Supervisor so elected shall enter into bond before the Chairman of the County Court in the penal sum of \$5,000, payable to the State of Tennessee, and conditioned for the faithful performance of his duties and for the accounting to the County Court of said county for all money that may come into his hands by virtue of his office, and said Supervisor may be discharged from his said office by said Board of Commissioners for incompetency, malfeasance, misfeasance, or failure to discharge the duties of his said office.

Powers.

SEC. 5. *Be it further enacted*, That said Supervisor shall have supervision of the public roads in said county, and shall lay them out and classify them as first, second, and third-class roads, under the direction of the said Road Commissioners. Roads of the first class shall be thirty feet wide from the center



of the ditches, roads of the second class shall be twenty-four feet wide from the center of the ditches, and roads of the third class shall be eighteen feet wide from the center of the ditches on either side of the roads. The said Supervisor shall have entire supervision of all culverts and bridges on the public roads not over thirty feet in length, and shall cause same to be built and kept in repair out of the road fund for said district in which said bridge and culvert is located.

Said Supervisor shall also assign the hands to work on public roads, but shall not assign any hand to work except in the district in which said hand resides. Said Supervisor shall keep a well-bound book, in which he shall keep a record of the public roads laid out and established in said county, and also a record of the hands and the roads to which said hands are assigned.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Supervisor to collect and take control of all tools and machinery now on hand and belonging to the county, and the County Court shall turn over to the Supervisor all such tools and machinery. It shall be the duty of the Supervisor to buy all tools and machinery necessary for the working and improving the roads by and with consent of the County Board of Commissioners, and who shall keep a strict account of the same. Said tools shall be paid for by warrant upon the Trustee of the county after having been approved by the Chairman of the Commissioners.

Duties.

SEC. 7. *Be it further enacted*, That all applications to open, change, close, widen, or restore to the public use any and all public roads in said county shall be made to the Road Supervisor by written petition, setting forth the change desired, and said Supervisor shall, within ten days after the application has been filed with him, notify the person first named on the petition of the date at which he will be present at the beginning point mentioned in the petition to act upon the application. The petitioners shall give five days' written notice of the time and beginning point to all landowners to be affected by the proposed change; and if any landowner affected by the change is a nonresident, then ten days' written notice to his agent, attorney, or tenant residing on the land to

Application to  
open roads.

be affected by the change will be legal notice. The Supervisor shall attend at the time and place designated; and if the proper notices have been given, shall act on the application assessing the damages, if any, to the county, and make his report to the next County Road Commissioners at their next meeting, and with his report shall file the original petition, the notices to the landowners, and shall give names of the material witnesses. Said Commission, presided over by the County Judge, shall consider the whole matter and make such orders opening, changing, widening, locating, or restoring such roads as it may deem best for the interest of the public, and shall assess a sufficient amount to cover damages so found by them if in their opinion damages should be paid, which said amount shall be certified to the Trustee of the county for payment out of the county funds. Any interested party may appeal to the next term of the Circuit Court, provided he shall perfect his appeal within five days from the decision of said County Road Commissioners; but before an appeal shall be granted, the party so appealing shall execute bond for cost, or shall take the oath prescribed for poor persons. At the hearing of all such cases before the Road Commissioner the County Judge or Chairman of the County Court of such county shall preside, and shall be entitled to vote in determining the questions involved and as to damage in all cases arising under Sections 7 and 8 of this Act.

SEC. 8. *Be it further enacted,* That where no application for the changing, widening, restoring, or closing, or locating any public road is made to the Supervisor, he may of his own motion make his recommendation in writing for such change, locating, widening, or restoring any public road to the said Road Commissioners, together with his recommendation or assessment to damages in such cases, first giving notice to all parties affected, when such question will be heard and determined by the said Commissioners presided over by the said County Judge; and if said Board of Commissioners shall approve of such recommendations of the Supervisor, it shall make the order, carrying into effect such recommendations and assessing damages, if any, as hereinbefore provided in Section 7, and any interested party may appeal as provided for in Section 7.

SEC. 9. *Be it further enacted*, That the Supervisor may let out to the lowest responsible bidder, with privilege to reject any and all bids, the working of the public roads in any and all of the civil districts of said county to one or more contractors for the term of one year, and said contractor shall enter into bond, with good and sufficient surety, in a sum double the amount of his contract, payable to the State of Tennessee, conditioned for the faithful compliance with his contract, but said contract shall be first approved by the Board of Commissioners.

Contracts

SEC. 10. *Be it further enacted*, That all roads shall be graded, with a fall of one to one and a half inches to the foot, from the center to each side, and they shall be ditched on each side so as to properly drain them, and such ditches shall be kept open by the contractor or other persons in charge throughout the year.

SEC. 11. *Be it further enacted*, That all male inhabitants over twenty-one and under fifty years of age, except those living within the bounds of an incorporated town and such as are released by the County Court, shall work on the public roads each and every year not less than five days nor more than eight days at the discretion of the County Court, which shall fix the number of days at the January term of each year, and one day's personal or written notice from the contractor or other person in charge of the time and place to begin work, or written notice left at the usual place of residence, shall be legal and sufficient notice; and any hand so notified may exempt himself from work on the public roads by paying the Trustee of the county on or before the day set for work seventy-five cents per day for each day he is notified for work; but, *provided, further*, that any person subject to road duties may be released from said work by paying the Trustee of the county on or before the first day of March of the year in which the work is to be performed fifty cents per day for every day assessed to be worked that year; and no one subject to road duty shall be allowed to furnish any boy under eighteen years of age in his place; and any person subject to road duties who, on being notified, shall fail or refuse to perform faithfully and honestly and obedient to the direction of the person in charge as many days' la-

Persons liable  
for road  
duty.

Release from  
road duty.

bor on the public roads as are assessed against him or to commute as heretofore provided shall be guilty of misdemeanor and subject to indictment. It shall be the duty of the person in charge to report to the Commissioners all persons so failing or refusing to work the public roads, and it shall be the duty of the Commissioners to swear out warrants against all such delinquents before some Justice of the Peace in the district, and to have summoned the necessary witnesses to show the fact of the delinquency, and, upon conviction, such delinquent shall be fined not less than one nor more than two dollars for each day he was notified to work, together with all cost of suit; but this proceeding shall be no bar to an indictment for a misdemeanor in failing to work the public roads. All suits shall be prosecuted in the name of the County Trustee, and all fines and money shall be paid over to him and by him placed to the credit of the district in which said delinquent resided, and all fines and commutations to be placed to the credit of the district where originated.

Tax levy.

SEC. 12. *Be it further enacted*, That the County Court at a quarterly term shall levy a tax for highway purposes of not less than twenty cents on the one hundred dollars of taxable property as shown by the County Assessor's book, except in incorporated towns, and on privileges not less than one-fourth of the privilege tax paid for county purposes, to be collected and paid to the County Trustee to be used in maintaining the public roads of the county, and not less than two-thirds of the taxes collected in each district to be used in said district, the other one-third to go into a general fund to be used in districts in which the taxes levied is not sufficient to keep the public roads of that district in repair. That said taxes shall be collected by the Trustee of the county as other taxes, except the privilege taxes, which shall be collected by the County Court Clerk and paid over by him to the Trustee as herein provided, and the Trustee shall be allowed the commission now allowed by the law for the collection of other taxes, and he shall account to the County Judge or the Chairman of the County Court for all taxes collected and paid out by him in the same manner as required by law as to other taxes.

SEC. 13. *Be it further enacted*, That all public

roads shall be worked by the contractors between the first of April and the last of October each year, and no work shall be done before or after these dates, except in the case of needed repairs and in cutting grades and making fills.

SEC. 14. *Be it further enacted*, That the Road Supervisor every thirty days shall inspect the work done by the contractors the preceding thirty days, and shall issue to him a warrant on the Trustee for an amount not exceeding the actual cost of such work, and no work shall be paid for until the same has been inspected and approved by the Supervisor, and said warrants shall be paid by the Trustee after same has been countersigned by the Chairman of the Commissioners.

To inspect  
work.

SEC. 15. *Be it further enacted*, That a day's work, in the meaning of this Act, shall be eight hours of actual service, and not more than ten hours shall be counted in every twenty-four.

SEC. 16. *Be it further enacted*, That in building bridges and culverts thirty feet and under in length, the work shall be done by the contractor under his contract, but the material shall be furnished to him by the Road Supervisor, who shall pay for same out of the road fund of the district.

SEC. 17. *Be it further enacted*, That the County Court Clerk shall procure and furnish the Road Commissioners and Supervisor all necessary books and blanks to be used in their office, which shall be paid for out of the county treasury as for other stationery for the county.

Books, blanks,  
etc.

SEC. 18. *Be it further enacted*, That any contractor who shall fail to comply with his contract shall be subject to an indictment or presentment by the grand jury of the county, and, on conviction, shall be fined not less than \$10 nor more than \$25 for each offense, which will go to the road fund of the district in which the offense is committed, provided this shall in no wise affect a civil suit to recover damages for breach of the contract upon the part of the contractor.

SEC. 19. *Be it further enacted*, That the Road Supervisor shall be liable to indictment or presentment for failure to perform any of the duties incumbent on him under this Act, or for showing partiality in the performance of his duties, and, on conviction,

shall be fined not less than \$25 nor more than \$50 for each offense, which fines shall go to the general road fund of the county; *provided*, this shall in no wise affect a civil suit upon the bond of said Supervisor to recover damage for failure to discharge the duties of his office.

Salary of Supervisor.

SEC. 20. *Be it further enacted*, That said Supervisor shall be paid at the rate of \$1,500 per annum for his services, to be paid monthly on the warrant of the Chairman of the Commissioners and approved by the Judge of the County Court, to be paid out of the funds of the county.

Penalty.

SEC. 21. *Be it further enacted*, That any person who shall put, or cause to be put, any obstruction of any character whatever in any public road of said county shall be subject to indictment or presentation by the grand jury of said county, and, on conviction, shall be fined not less than \$5 nor more than \$10 for each offense, which said fines shall go to the road fund of the district in which the offense was committed, and no property shall be exempt from any fine and cost for this offense or for failing to work the road when notified so to do by the contractor.

SEC. 22. *Be it further enacted*, That all county prisoners subject to labor shall be employed upon the public roads as the County Court may direct subject to existing laws.

Bridges.

SEC. 23. *Be it further enacted*, That it shall be the duty of the Board of County Commissioners to construct and repair all bridges over thirty feet in length, and to put in and maintain all culverts over thirty feet in length, and to build all levees hereafter to be built, all to be done under the direction of the County Supervisor, and to be paid for out of the general or special funds of the county upon order from the County Commissioners to the County Judge or Chairman.

Meetings of Commissioners.

SEC. 24. *Be it further enacted*, That it shall be the duty of said County Commissioners to meet at least once every month, at which time they shall have a report from the County Supervisor showing what he has done during the month just passed. For all services rendered by the said Board of County Commissioners, they shall be paid at the rate of \$3 per day for each day thus engaged, not to exceed thirty days in any one year, and said Commissioners shall

have full authority, together with Supervisor, to employ such agents and servants as they may see proper to work or repair any roads not laid out by contract, in which event the road hands shall be notified by the person in charge of the work of the time and place to work, and any hand failing to work when so notified shall be subject to the pains and penalties hereinbefore prescribed,

SEC. 25. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 25, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

CHAPTER 167.

HOUSE BILL No. 468.

(By. Mr. Draper.)

A BILL to be entitled An Act to change the line between the counties of Clay and Jackson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Clay and Jackson be, and the same is hereby, changed so as to include within the county of Jackson all the lands of Esibious Rich all the lands now included within the limits of Clay County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 25, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 168.

### HOUSE BILL No. 473.

(By Mr. Bergschicker et al.)

AN ACT to repeal the charter of Lenox, Shelby County, Tenn., and to remand the territory and inhabitants thereof to the government of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of incorporation heretofore granted to and obtained by the town of Lenox, recorded October 6, 1896, in the office of the Register of Deeds for Shelby County, Tenn., in Corporation Record Book 7, page 625, be, and the same is hereby, repealed and abolished, and all offices created and held under and by virtue of said charter are abolished, and the population within the territorial limits defined thereby are hereby resolved back into the body of the State; and all power of taxation in any form whatever heretofore vested in or exercised by the authorities of said municipal corporation by virtue of said charter or otherwise is forever withdrawn; and the public buildings, squares, promenades, streets, alleys, houses, and wagons, and all other property, real and personal, hitherto owned and used by such corporation for municipal purposes are hereby transferred to the custody and control of the State, to remain public property as it always has been for the uses to which said property has been hitherto applied or may hereafter be applied by the State or by its authority.

SEC. 2. *Be it further enacted*, That all of the school lands, school buildings, and other school property heretofore owned by said extinct corporation of the town of Lenox are hereby transferred to and vested in the Board of Education of the Memphis City Schools, to be held and used by it for public-school purposes exclusively.

This transfer is subject, however, to a lien which is hereby created in favor of the creditors of said extinct municipality for the paying of their debts.

SEC. 3. *Be it further enacted*, That the Trustee of

Shelby County shall proceed and collect all unpaid taxes assessed by and due to said municipality at the time of the repeal of its charter and all its other assets whatsoever, said collections to be made under existing laws.

SEC. 4. *Be it further enacted*, That the County Trustee or such other officer as may heretofore have been or shall hereafter be charged with the duties shall likewise proceed and continue to collect and continue to collect the State and county school taxes which said extinct municipality was by law entitled to receive up to the time of such repeal.

SEC. 5. *Be it further enacted*, That all the taxes, revenue, and funds arising under the third and fourth sections of this Act, and all funds to which said municipality may have been entitled at the time of such repeal as its share in the State school fund, shall be paid over to the receiver provided in the sixth section of this Act, to be applied as therein directed.

SEC. 6. *Be it further enacted*, That the Governor shall appoint an officer to be known as a receiver for said extinct municipality, who shall qualify as other collectors of public revenue, and who shall give bond, with good security, in the penalty of four thousand dollars (\$4,000), to be approved by the Chairman of the County Court of Shelby County, and who, when so qualified, shall enter upon the duties of his office. Such duties shall be to receive from said Trustee or other persons or officers having possession of the same, including the State Treasurer, all funds so collected or to which said municipality may have been entitled at the time of such repeal, including its share in the general State and county school fund and school tax; and it is hereby made the duty of said Trustee, State Treasurer, or other person or officer having custody of the same to pay the same over to said receiver upon his demand, and to take his receipt accordingly. Said receiver shall forthwith directly apply the said funds so received by him to the payment of the obligations and liabilities of said extinct municipality and to the uses and purposes by it designated, intended, or appropriated as if this repeal had not occurred, so that no one entitled to the benefit of said fund or revenues shall be deprived of the same because of such

repeal; and the surplus of said fund, if any, he shall pay to said Board of Education for school purposes only. For the purpose of collecting any indebtedness that may be due and owing to such municipality at the time of the taking effect of this Act said receiver is authorized and empowered to bring suit in his name as such, or to be substituted as party plaintiff or complainant in any actions or suits that may have been brought by such municipality before the taking effect of this Act.

SEC. 7. *Be it further enacted*, That said receiver shall file with the Clerk of the County Court of said county on the first Monday in January, 1910, and afterwards as may be required by the Chairman of said court a report showing his receipts and disbursements of funds under this Act, and he shall be entitled to retain from same as compensation for his services a commission of two and one-half per cent on all sums received by him under this Act.

SEC. 8. *Be it further enacted*, That this Act shall not abate or affect any actions or suits pending at the time of the taking effect of this Act brought for the violation of any ordinance or ordinances of such municipality or for the recovery of any fine, penalty, or forfeiture incurred prior thereto.

SEC. 9. *Be it further enacted*, That if it be held invalid to provide that actions or suits pending for the violations of ordinances of such municipality shall not abate or be affected by the taking effect of this Act as provided in Section 8 hereof, this shall in no wise affect the validity of the repeal of the charter of the town of Lenox provided for in the first section of this Act or the validity of any other provision contained in this Act.

SEC. 10. *Be it further enacted*, That this Act take

effect on August 31, 1909, the public welfare requiring it.

Passed March 5, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 169.

### HOUSE BILL No. 497.

(By Mr. Worley.)

AN ACT to provide for locating and building of public roads and bridges in Sullivan County by authorizing the County Court to issue interest-bearing coupon bonds of said county, and providing for a Board of Commissioners to carry out the same.

Amount of  
bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of Sullivan County, a majority of all the Justices of the Peace composing the Quarterly Court of said county voting therefor, be, and it is hereby, authorized at any time or times to issue interest-bearing coupon bonds of said county, to be signed by the Chairman or County Judge, and countersigned by the County Court Clerk of said county, in an amount or amounts (in addition to those heretofore issued) not exceeding three hundred thousand dollars, the same, or the proceeds thereof, to be used for no other purpose than to locate and build public roads and bridges in said county as herein provided.

Interest.

SEC. 2. *Be it further enacted*, That said bonds shall bear such rate of interest, not to exceed five per cent per annum, and mature and become due and payable at such time or times from ten to thirty years after their date as the County Court of said county by

order may fix and determine. Said bonds and interest shall be payable in lawful money of the United States.

SEC. 3. *Be it further enacted*, That the interest on said bonds shall be represented by coupons attached to the same, and shall be payable semiannually at such time and place as the County Court of said county may by order determine.

SEC. 4. *Be it further enacted*, That the bonds, or Proceeds. the proceeds thereof, hereby authorized shall be used and expended in locating, grading, bedding, and macadamizing such road or roads in said county and for the building and construction of such bridges over and across the rivers, creeks, and water courses crossed by said roads as the County Court of said county may designate by order.

SEC. 5. *Be it further enacted*, That the bonds here- Denomina-  
tions. authorized shall be executed in denominations of \$100 to \$1,000 according as said County Court may determine, and that said bonds shall not be sold for less than par.

SEC. 6. *Be it further enacted*, That the Board of Commissioners hereinafter provided for shall have full power to determine the nature and character of said roadbeds, the depth and width of macadam, and generally the kind and cost of the road improvements and bridges to be built hereunder, except in so far as said court may see proper to determine same; and said Commissioners shall have power to make all changes in the location of said roads and to fix the grades of same, which shall in no case exceed a six per cent grade; *provided*, that if in locating or making changes in the location of such road or roads, the Commissioners are not unanimous, the written dissent of any one of them, placed in the hands of the Chairman or Judge of the County Court, shall have the effect of suspending or stopping all further proceedings thereon until acted upon and determined by the Quarterly County Court, which shall have full power to finally determine such questions.

SEC. 7. *Be it further enacted*, That the County Road Com-  
missioners. Court of said county shall elect three Commissioners, not more than two of whom shall be of the same political faith, who shall be so elected or selected on account of their conspicuous ability and intelli-

**Salaries.**

gence and for their well-known integrity. Said Commissioners shall have control and supervision and full charge of the construction of said roads and bridges, subject to the orders of said County Court in respect to all matters and powers not herein given and intrusted to said Commissioners. In the election of said Commissioners said court shall designate from the persons so elected one to act as Chairman and one to act as Secretary of said Board, and fix their respective salaries, the same to be paid out of the proceeds of said bonds and not to exceed \$700 per annum for the Chairman, \$600 for the Secretary, and \$500 for the other members of said Board, and in case of vacancy in said Board, the Chairman of said court shall fill the vacancy by appointment until the next term of the Quarterly Court, when the court will elect a successor to fill the vacancy.

SEC. 8. *Be it further enacted*, That before said Commissioners shall enter upon the duties of their office, they each shall execute bond, with good and solvent security, in the penal sum of ten thousand dollars, payable to Sullivan County, and conditioned upon the honest and faithful performance, respectively, of their duties as such Commissioners, and shall take and subscribe to the following oath before the Clerk of the County Court of said county (which bonds and oaths shall be spread upon the record of said court)—to wit:

STATE OF TENNESSEE, }  
Sullivan County. } ss.

**Oath.**

I, . . . ., one of the Board of Commissioners provided for in the Act of the General Assembly of Tennessee for 1909, being Chapter 169, page . . ., of said Acts, do hereby solemnly swear (or affirm) that I will faithfully, honestly, impartially, and vigilantly discharge my duties as such Commissioner to the best of my skill and ability; that I will not, directly or indirectly, be or become interested in any contracts or supplies or profits or efforts to profit by or out of contracts to be let under authority of said Act or for the work to be done or public improvements contemplated therein; that I will in no manner favor or seek to favor any friend or punish or disfavor any enemy by any act or conduct of mine in the dis-

charge of any of said duties, and that my whole purpose in all my acts to be done as such Commissioner shall be alone to subserve the best interest of Sullivan County and the public, who, by imposing this trust upon me, have manifested their confidence in me, and that I have read said Act and have read this affidavit before making oath to the same.

Subscribed and sworn to . . . before me, etc.

SEC. 9. *Be it further enacted*, That said Board of Commissioners shall have power to employ a competent civil engineer with one assistant, if deemed necessary by them, whose compensation shall not exceed \$2,500 and \$900, respectively, per annum, or at that rate for the actual time put upon said work, the same to be paid out of the proceeds of said bonds.

May employ  
civil engi-  
neers.

SEC. 10. *Be it further enacted*, That said Board of Commissioners shall let all contracts for grading, locating, or constructing and macadamizing the roads and bridges upon which the proceeds of said bonds as herein set forth are to be expended; *provided*, that no bid shall be let except after first advertising for thirty (30) days in some newspaper and securing sealed bids therefor, and, after same shall be opened, whereupon the lowest and best bid made shall be accepted at the discretion of said Board; *provided, further*, that no bid shall be accepted unless the party making same shall first give bond in an ample amount to be fixed by the said Commissioners, conditioned to faithfully and fully comply with his contract, and at no time shall more than eighty per cent of the amount due a contractor be paid until his contract has been completed and accepted in writing by a majority of said Commissioners; and, *provided, furthermore*, that no bid shall be accepted without the unanimous consent of said Board whenever there has been no competitive bidding, and said Board of Commissioners shall have the right to reject all bids and employ the necessary forces and do such work or any part of it on its own account if in the judgment of a majority of the Board the work can be done cheaper thereby.

Contracts.

SEC. 11. *Be it further enacted*, That said Board of Commissioners are hereby authorized and empowered to institute and prosecute proceedings to condemn property deemed necessary for rights of way, under the general law in force (Section 1844 et seq.

Rights of way.

of Shannon's Compilation) for the taking of private property for works of internal improvement. They shall have all necessary power to that end, to condemn property for roads or parts of roads, or bridges, such as they or the County Court (if the latter sees fit to determine same) may deem necessary for all the purposes of this Act; and damages assessed therefor, in so far as not made good to said fund by private subscription, shall be payable out of the proceeds of said bonds.

Records.

SEC. 12. *Be it further enacted*, That it shall be the duty of said Commissioners to keep books and enter therein all accounts and expenses made or incurred in the building or construction of said roads and bridges, and all items of money expended under authority of this Act. They shall first audit and approve, in writing, all claims for work done and materials furnished in the construction of said roads and bridges, and all or any item of expense payable out of the proceeds of said bonds; they shall report in writing and under oath to each quarterly term of said court the amount of work done and obligations incurred by them during the preceding three months, which reports shall be passed upon by said court and compared with the book of the Chairman of said court herein required to be kept, and shall be confirmed in so far as correct.

SEC. 13. *Be it further enacted*, That the funds arising from said bonds shall at all times be kept separate and distinct from the other funds of said county, and shall be paid out only upon the written orders or warrants of the Chairman of said court, drawn upon said funds, and then only after the engineer shall have made and presented in writing, under oath, a statement or statements showing the number of yards of dirt, stone, or other materials, giving the items, for which same is payable. And the Chairman of said court shall keep a book, in which shall be kept alone a full account of the orders or warrants drawn upon said funds, said book to show the amount and date of each order or warrant and the claim upon which it is paid; also the names of the Commissioners who shall have audited and approved the same, but no order or warrant shall be drawn by the Chairman of said court on said funds, except the claim for which such order



or warrant may be so drawn shall have first been audited and approved in writing by a majority of said Commissioners, and except such order or warrant shall show upon its face the claim on account of which it is drawn; and any disbursement of any part of said funds, except in strict compliance herewith, shall be illegal and void, and no credit shall be allowed therefor.

SEC. 14. *Be it further enacted*, That such roads or parts of roads as shall be made or built and macadamized hereunder may be made toll roads at the discretion of said County Court, which shall have power to erect and maintain toll gates at such points as said court may determine, and collect tolls thereon; *provided*, that the net amount derived from such tolls shall be applied to the payment of the interest on said bonds, or to be set aside and kept as a sinking fund to liquidate said bonded indebtedness, or shall be applied to the maintenance of said roads, and the net income from such tolls shall be used for no other purpose so long as any of said bonds are unpaid; and, *provided, further*, that the tolls to be collected under authority hereof on wheeled vehicles shall be reduced one-third (1-3) on all such vehicles having tires not less than three and one-half (3 1-2) inches in width.

May become  
toll roads.

SEC. 15. *Be it further enacted*, That said Commissioners shall be elected for a period of not less than one year, and annually thereafter until said roads and bridges are completed, and may hold office until their successors are elected and qualified; and when elected and qualified, said Commissioners shall, during their term of office, have and exercise all the powers herein given to them for the purpose of building said roads and bridges. But said bonds shall not be issued, and said Commissioners shall not be vested with the power herein conferred unless and until said County Court shall first accept the terms of this Act, and approve same by authorizing the issuance of all or such part of said bonds as, by order of the quarterly court of said county, may be determined; and, *provided*, that said County Court shall have the right, after ten days' written notice to all or any of said Board of Commissioners, to remove all or any of them for such reasons as said court may deem sufficient by a two-thirds (2-3) vote

Term of Commissioners.

of all of the Justices of said county; and, *provided, further*, that the acceptance of this Act by said County Court and the issuance of bonds once hereunder shall not be deemed to affect the court's right subsequently to issue other bonds hereunder, so long as the total issue is kept within the limitation as to amount set forth in Section 1 of this Act.

Special tax  
levy and  
sinking  
fund.

SEC. 16. *Be it further enacted*, That in order to meet the interest on the bonds that may be issued hereunder or any balance thereof after exhausting the net income from tolls such as said court may collect from said roads, and, also, in order to provide the necessary sinking fund to meet and pay the principal of said bonds, said County Court is hereby authorized to, and it shall, levy annually and collect a special road improvement tax sufficient to pay said interest and to provide said sinking fund, the said tax to be levied upon and collected from all the property in said county, including that within the corporate limits of any municipality, all of which, along with property outside the corporate limits of any town or city, now or hereafter in said county, is alike declared to be liable for said special road improvement tax to meet and pay the principal and interest of all of the said bonds; *provided*, that the road tax now authorized by law and which would otherwise be expended upon the roads that may be improved hereunder may be applied to meet said interest or put into such sinking fund; and, *provided, further*, that the special road improvement tax hereby authorized (and including any levied or to be levied under Chapter 262, page 598 of the Acts of 1899 and amendments thereof) shall not exceed as a total levy for any one year fifty cents on the hundred dollars of assessed value for such year.

SEC. 17. *Be it further enacted*, That for all the purposes of this Act, except to authorize the issuance of bonds thereunder (and, of course, except to remove Commissioners as provided for in Section 15 hereof), a majority of half the Justices of the Peace of said county composing said Quarterly County Court shall be sufficient for any action hereunder—that is, half or any number over half of the Justices assembled in court will constitute a quorum

—and the business may then be done by a majority of those present and voting.

SEC. 18. *Be it further enacted*, That all laws or parts of laws in conflict herewith are hereby repealed.

SEC. 19. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 5, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 170.

### HOUSE BILL No. 502.

(By Mr. Webb.)

AN ACT to amend an Act entitled "An Act to create a Board of Public Road Commissioners; to regulate the laying out and working of public roads in this State in counties having a population of not less than 70,000 and not more than 90,000 under the Federal census of 1900, or that may have that number of inhabitants under any subsequent Federal census; and to provide a method for the management and control of county work-houses in counties coming under the provisions of this Act; and to provide for the raising of funds therefor," the same being Chapter 368 of the Acts of 1907, passed April 4, 1907, and approved April 11, 1907.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 368 of the Acts of 1907, passed April 4, 1907, and approved April 11, 1907, the caption of which is as set out in the caption hereof, be, and the same is hereby, amended as follows:

Applies to  
Knox  
County.

1. By amending Section 3 of said Act by striking

**Salaries.**

out the remainder of said section after the period following the words "official ballot," in line seven, and inserting in lieu thereof the following: "The said Superintendent of Roads and the said Superintendent of the Workhouse shall each receive a salary of fourteen hundred dollars (\$1,400) per annum, and the Clerk of the Road Commission shall receive a salary of twelve hundred dollars (\$1,200) per annum. Said salaries shall be paid in monthly installments out of the county treasury upon the warrant of the County Judge or Chairman.

**Chairman.**

"Said Board shall organize by electing one of their members Chairman, and the Clerk of the Commission shall perform all the duties of the Clerk of the Board. Two members shall constitute a Board for the transaction of business, and each member shall be entitled to one vote on all questions."

**Contracts and  
bids.**

SEC. 2. *Be it further enacted*, That Section 4 of said Act be amended by striking out the first fifteen lines thereof ending with the words "heretofore provided" and inserting in lieu thereof the following: "Be it further enacted, that said Board of Public Road Commissioners shall have power and authority to make all contracts necessary for the repairing of any and all pike roads in the county. They shall give written or printed notice posted at the front door of the county courthouse, and in at least three conspicuous places on the road or roads where said repair work is to be done for at least ten days before the first Monday in April in each year for sealed proposals or bids on said repair work; and said Board shall at twelve o'clock M. on the first Monday of April of each year open all bids admitted, and, with the County Engineer, shall examine and consider the same, taking ample and sufficient time therefor, not to exceed six days, and said Commissioners shall have the right to accept or reject any or all of said bids. As to such bids as may be rejected, the said Commissioners shall immediately re-advertise, as in the first instance, for a period of ten days, after which time they shall in open session open and consider the new bid or bids submitted; and if acceptable, shall let the contract to the lowest responsible bidder, etc.; *provided, however*, that the aggregate or bids on all roads does not exceed the available pike funds for that year, and that no con-

tract shall be binding until accepted as heretofore provided; and, *provided, further*, that out of the gross pike funds of the county for each year the Commissioners shall set apart as a reserve ten per centum of the said gross funds to be used in cases of emergency, if necessary; otherwise, to be returned to the general pike fund.

"The said Commissioners shall have exclusive management and control of the said reserve emergency fund herein provided. Said Commissioners are given power and authority to accept bids and enter into contracts for the repair of the pikes of the county from time to time and at such time and places as may to them seem necessary and proper."

SEC. 3. *Be it further enacted*, That said Act be amended in Section 6, line 6, by striking out the word "pikes" and inserting in lieu thereof the words: "Roads either for repairing old or constructing new roads."

As to powers and duties of Superintendent of Workhouse.

And by amending Section 6, beginning in line 8, after the word "advisable," by adding the following: "*Provided*, that the county workhouse may be divided into two sections, in the discretion of the Quarterly County Court; and, *provided, further*, that the said court shall not assign or station the said workhouse or the convicts for a greater period than twelve months, but this provision shall not disturb or annul existing contracts or assignments heretofore made by said court with reference to said workhouse and convicts."

Amend Section 6, line 33, after the word "convicts" and before the word "by," and inserting the word "or."

SEC. 4. *Be it further enacted*, That Section 7 of said Act be amended by striking out the word "November," in line 35 thereof, and inserting in lieu thereof the word "September."

Clerk to make report—when.

Amend Section 7, line 40, by striking out the word "December" and inserting in lieu thereof the word "October."

Delinquent list—when to be made.

SEC. 5. *Be it further enacted*, That Section 9 of said Act be amended by adding after the word "duty," in line 10 thereof, the following: "Except that the District Road Commissioner and Overseers shall be liable for road duty to the same extent as

Road districts.

other district road hands, for which they shall receive no compensation."

Amend Section 9, line 14, after the word "not," by striking out the words "to exceed five miles each" and inserting in lieu thereof the words: "Less than two nor more than five for each district."

Amend Section 9, line 22, by striking out the word "of," after the word "that," and inserting in lieu thereof the word "nearest."

Amend Section 9, line 26, by inserting after the word "all" the word "male."

Release from  
duty.

Amend Section 9, line 43, by striking out the word "November" and inserting in lieu thereof the word "September."

Road Over-  
seer—com-  
pensation of.

Amend Section 9, line 59, after the word "duties," by inserting the following: "Except the number of days such Overseer is due for road work."

Amend Section 9, line 66, by striking out the word "return" and inserting in lieu thereof the word "retain."

Tax levy—how  
to be ex-  
pended.

SEC. 6. *Be it further enacted*, That Section 10 of said Act be amended by striking out, in line 18, the figure "1," and, in line 19, by striking out the "period" after the word "built" and inserting the word "and," and by striking out the figure "2," in line 20 of said section.

Damages—  
how to be  
paid.

SEC. 7. *Be it further enacted*, That Section 11 of said Act be amended by inserting in line 32 thereof, after the word "general" and before the word "funds," the word "pike," and by striking out in line 33 of said section the words "raised for county purposes" and inserting in lieu thereof the words "of the county," and amend said Section 11 further by striking out after the period, in line 46, the remainder of said Section 11.

Road repairs.

SEC. 8. *Be it further enacted*, That Section 15 of said Act be amended by adding at the close thereof the following: "And said Road Commissioners are further authorized and empowered, by and with the consent of the Justices of the Peace of their respective districts, to have ruts and holes in the pike roads of their respective districts properly filled and repaired, and to have said roads properly ditched and drained, and to have repaired any injury to bridges by reason of breaks, washouts, or otherwise, the expense of which shall be paid out of the said commu-

tation money or district road tax, either or both, or the labor performed thereon may be accredited on the road duty of the hands performing the same."

SEC. 9. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 5, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 171.

### SENATE BILL No. 154.

(By Mr. Sugg.)

AN ACT to amend the charter of the town of Fayetteville, in Lincoln County, Tenn., to wit: An Act passed by the General Assembly of the State of Tennessee, March 27, 1903, being Chapter 294 of the Acts of said General Assembly of 1903, entitled An Act to incorporate the town of Fayetteville, and for other purposes; to amend an Act of the General Assembly of said State passed April 15, 1905, being Chapter 492 of the Acts of said General Assembly of 1905, entitled An Act to amend Section 11, Chapter 294, of the Acts of the General Assembly of 1903, etc., by reducing the amount of credit to be allowed any offender on fines and costs imposed upon him by the Recorder of said town; to amend an Act of the General Assembly of said State passed March 27, 1907, being Chapter 199 of the Acts of 1907, entitled An Act to amend an Act, it being Chapter 294 of the Acts of the General Assembly of the State of Tennessee, passed March 27, 1903, and approved April 1, 1903, being entitled An Act to incorporate the town of Fayetteville, etc., so as to empower and authorize the Board of Mayor and Aldermen of said town of Fayetteville to prohibit by ordinance the sale or giving away of intoxicating, spirituous, vinous, malt, or mixed liquors within the corporate limits of the town of Fayetteville, and for other purposes; to grant to said town of Fayetteville additional rights, powers, and privileges; to change its corporate limits; and to authorize the Board of Mayor and Aldermen of said town to issue bonds of said town for the purpose of erecting a school building in said town.

#### Boundaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the town of Fayetteville be changed and extended so as to include and embrace the whole of the territory included in the following boundaries: Beginning at the mouth of the Tanyard Branch on the west side of Norris' Creek; thence south 17° east 195 feet to a stake at the water's edge on the west side of said creek; thence south 81½° west with the south side of a street and a line of telephone poles 815 feet to the east edge of Bridge Street and the northwest corner of the Fulton tract; thence south 574 feet with the east edge of said street to a point opposite the southeast corner of S. T. Walker's lot; thence north 86½° west 736 feet to the northwest corner of the brickyard and on the east side of Mill Street; thence south 3° west with the east side of



said street 628 feet to a point opposite the northeast corner of J. H. Holman's tract; thence with his north boundary line north  $87\frac{1}{2}^{\circ}$  west 1,333 feet to Tom Jean's east boundary line; thence with his line north  $2\frac{1}{2}^{\circ}$  east 1,330 feet to the south side of Davidson Street in the Wilson Addition to the town of Fayetteville; thence north  $87^{\circ}$  west with the south side of said street 976 feet to John Young's east boundary line; thence north  $2^{\circ}$  east 1,025 feet to the said Young's northeast corner on the south side of Maple Street; thence north  $87^{\circ}$  west with Young's north boundary line and the south boundary line of S. M. Brogan's tract 938 feet to a point in R. A. Rees' field 25 feet west of Young's and Brogan's corner; thence north  $2^{\circ}$  east 1,269 feet to a point 25 feet west of Brogan's northwest corner; thence with the west boundary line of the tract of land owned by C. B. Bagley to the center of the Fayetteville and Elkton Turnpike road; thence with center of said turnpike road north  $86\frac{1}{2}^{\circ}$  west to a stake in the center of said pike, W. L. Hatcher's southeast corner; thence north  $4\frac{1}{2}^{\circ}$  east 721 feet to a stake; thence south  $86\frac{1}{2}^{\circ}$  east 1,524 feet to a stake; thence south  $4\frac{1}{2}^{\circ}$  west 721 feet to the southwest corner of the colored people's graveyard; thence with a street south  $79^{\circ}$  east 1,662 feet to the junction of Feeney and Washington Streets, Mrs. Boyles' southeast corner; thence north  $1\frac{1}{4}^{\circ}$  east with Mrs. Boyles' and A. H. Hatcher's east boundary and the west boundary of the City High School lot 1,740 feet to a point in Carl Higgins' yard, 9 feet of a white oak pointer; thence south  $86^{\circ}$  east 2,400 feet to the northeast corner of H. K. Holman's lot and the northwest corner of the Naylor lot; thence south  $75^{\circ}$  east 896 feet to the southwest corner of J. C. Higgins' lot; thence north  $15^{\circ}$  east 800 feet to a point on the south side of Dry Branch; thence south  $45\frac{1}{2}^{\circ}$  east 600 feet to the center of said branch under the bridge of the Fayetteville and Murfreesboro Pike; thence south  $73^{\circ}$  east 1,300 feet to the middle pillar of the railroad that crosses Norris' Creek; thence with said creek and the various meanderings of the same to the beginning.

All property subject to taxation for State purposes within said boundaries shall be subject to taxation for corporate purposes.

SEC. 2. *Be it further enacted*, That the Board of

Board may  
borrow  
money.

Mayor and Aldermen of said town, in addition to all of the rights, powers, and privileges granted in the various Acts, of which this is amendatory, shall have the authority from time to time to borrow money to carry on improvements and for corporate purposes, and to issue negotiable notes for such sums so borrowed, payable at such time and to bear such rate of interest, not exceeding six per cent, as such Board may see proper; *provided*, that the amount of outstanding indebtedness represented by money to be so borrowed, to be known as "floating indebtedness," shall at no time exceed five thousand dollars principal.

City Court.

SEC. 3. *Be it further enacted*, That a court is hereby established to be known as the "City Court," which shall be presided over by the Recorder, who, shall have concurrent jurisdiction with Justices of the Peace in the trial of all cases and the issuance of all process, civil or criminal, and in all violations of the criminal laws of the State; that the Recorder of said town shall be a citizen of said town of the age of twenty-one years, and shall be appointed to his office by the Board of Mayor and Aldermen, and shall hold his office for two years, and until his successor shall be elected and qualified. W. N. Whitaker, the present Recorder of said town, shall hold his office until the first day of October, 1910, after which time the Board of Mayor and Aldermen of said town shall, every two years, appoint some one to hold said office who is competent hereunder.

Board to issue  
bonds.

SEC. 4. *Be it further enacted*, That the Board of Mayor and Aldermen of said town of Fayetteville be, and they are hereby, authorized and empowered to build, erect, construct, and maintain, or to have built, erected, constructed, and maintained, or to contract for the building, erecting, and construction, and to then maintain a City High School building in said town of Fayetteville; and to effectuate this power and authority, the Mayor and Aldermen of the said town of Fayetteville, in Lincoln County, Tenn., be, and they are hereby, authorized and empowered to issue coupon bonds of said town to the amount not exceeding twenty thousand dollars (\$20,000) for the purposes aforesaid, said bonds to be issued in the manner and under the restrictions herein set out and provided.

SEC. 5. *Be it further enacted*, That all bonds that may be issued under the authority of this Act shall be of such denomination, bear such interest, not exceeding six per cent per annum, and be due at such time, not less than fifteen nor more than twenty-five years from date of issuance, and be issued for such amount not exceeding the amount herein authorized as the corporate authorities of said town may determine, but all said bonds so issued shall bear the same date and the same rate of interest, and become due and payable at the same time, and shall be redeemable at the pleasure of the corporate authorities of said town after ten years from their date.

Interest and  
denomina-  
tions.

SEC. 6. *Be it further enacted*, That the bonds provided for in this Act shall in no case be sold for less than par, and coupons attached shall at maturity be receivable for all taxes and dues to the corporation, except "School Bond Taxes," to pay off the bonds that may be issued by the authority of this Act, and also except the "Waterworks Bonds Taxes" of said town.

SEC. 7. *Be it further enacted*, That before the issuance of any bonds hereunder the Board of Mayor and Aldermen of said town shall provide by ordinance for a sinking fund with which to pay the interest on said bonds, the interest on said bonds to be paid annually, semiannually, or quarterly, as said Board of Mayor and Aldermen may direct, and to retire said bonds at maturity by levying a special tax, to be designated as "School Bonds Taxes," to be collected annually and used exclusively for the purpose for which it was levied, and to be sufficient, with its accretions, as nearly as can be estimated, to meet the principal of said bonds at maturity and pay the interest as it becomes due and payable.

Tax levy and  
sinking  
fund.

SEC. 8. *Be it further enacted*, That before issuing any bonds under this Act, the Mayor and Aldermen of said town shall by ordinance provide for the appointment and election, and shall appoint and elect three discreet citizens of said town, not members of the Board of Mayor and Aldermen, to be named and designated as the "School Bonds Commissioners," who shall hold their offices for such term, execute such bonds, and receive such compensation as may be prescribed by said ordinance, and said Commissioners shall take an oath before some person au-

School Bonds  
Commis-  
sioners.

thorized to administer oaths to faithfully perform their duties.

Duties.

SEC. 9. *Be it further enacted*, That said School Bonds Commissioners shall receive all of the school bonds taxes not required to pay the accruing interest on said bonds herein provided for from the collector of taxes for said town, and may invest the same from time to time by loaning the same at interest in such manner as said Board of Mayor and Aldermen may stipulate by ordinance, or may buy in for said town any of the outstanding school bonds which may be issued under the authority of this Act, if they can be purchased for a price not exceeding the par value therefor, and may make settlement of their accounts in such manner, at such times, and with such persons as the said Mayor and Aldermen may by ordinance direct or provide. Such portions of the school bonds tax as the same accrues shall be applied directly to the payment of said interest without the payment of the same to the School Bonds Commissioners, and the Board of Mayor and Aldermen of said town may make such provisions regarding same as may be proper.

Board may act  
as School  
Bonds Com-  
missioners.

SEC. 10. *Be it further enacted*, That in the event it be found impossible to get suitable men to act as School Bonds Commissioners, then and in that event the Board of Mayor and Aldermen of said town may act as School Bonds Commissioners, the Clerk of the Board to act as Treasurer, upon executing such bond as the Board of Mayor and Aldermen may direct, and they are in that event empowered and authorized to make proper investment of the school bonds taxes not necessary to pay the interest on said bonds; *provided, however*, that in this event no loan or investment of said school taxes shall be had or made unless the same shall be approved by vote of at least four of the Board of Mayor and Aldermen and by the Mayor of said town.

SEC. 11. *Be it further enacted*, That the bonds herein authorized for the purpose of providing a City High School building for said town may be issued for any and all the purposes incident thereto and that may be necessary in connection therewith, provided the issue of said bonds do not exceed the sum herein authorized.

SEC. 12. *Be it further enacted*, That when said

bonds are issued as provided herein, they shall become and be valid and binding indebtedness of said town and corporation, and said Mayor and Aldermen are hereby authorized and empowered and required to levy and collect annually, beginning with the year next succeeding the year in which said bonds are issued, the years to be from January to January, and continue to thus levy and collect annually while said bonds are outstanding a special tax, not exceeding the rate of two mills on the dollar on the assessed value of all taxable property taxable for corporation purposes by law, for the purpose of providing a sinking fund to retire the bonds that may be issued hereunder to provide said City High School for said town and pay the interest thereon, as herein provided, when due. That Section 21, Chapter 92, Acts of 1875, being Section 1932 of Shannon's Code of Tennessee, be, and the same is hereby, so amended as to authorize and empower the Board of Mayor and Aldermen of said town of Fayetteville to levy and collect the special tax herein provided for, in addition to all other taxes now authorized by law to be levied by said corporation.

Special tax  
levy.

SEC. 13. *Be it further enacted*, That before any bonds shall be issued under the provision of this Act, the proposition for their issuance shall be submitted to a vote of the qualified voters of said town of Fayetteville at a special election held for that purpose only; and if three-fourths of the votes cast at such election shall be in favor of the proposition to issue such bonds, said bonds shall be issued to the amount stated in the proposition submitted to a vote at said special election. But before submitting said proposition to a vote at an election herein provided for, the Board of Mayor and Aldermen of said town shall by ordinance or resolution duly passed and recorded upon the minutes or records of said Board provide for holding said special election. Said ordinance or resolution shall state the amount of bonds proposed to be issued, for what purpose, and the day the special election is to be held. Said ordinance or resolution and a notice of said special election shall be published in a newspaper published in said town of Fayetteville for four consecutive weeks preceding the day of said election. Said election shall be held by having printed on the

Election to be  
held.

ballots the words "For City High School Bonds" and the words "Against City High School Bonds." Those favoring the issuance of high-school bonds will indicate the same by a cross mark made just before or just after the words "For City High School Bonds," and those opposed to the issuance of high-school bonds will indicate the same by a cross mark made just before or after the words printed on said ballot "Against City High School Bonds." The Election Commissioners for Lincoln County, Tenn., shall hold the special election herein provided for, and shall make return thereof and certify the result in duplicate—one to be delivered to the Mayor of said town, and to be copied upon the minutes of the Board of Mayor and Aldermen at the next meeting; the other to be delivered to the Clerk of the County Court of Lincoln County, Tenn., to be by him filed and preserved in his office. The election herein provided for shall be held by said Commissioners in the same way and manner as elections are held in said town for the election of Mayor and Aldermen.

Use of proceeds  
of bonds.

SEC. 14. *Be it further enacted*, That when said bonds for said City High School, as herein provided, are issued; said city school shall be built under the direction of the Mayor and Aldermen of said town of Fayetteville, and they may employ such architects, mechanics, and builders, and appoint such committees and agents to superintend the building of same, use such materials, and do and perform such acts with reference to the building and construction of the same as they shall deem best for the purposes herein provided for. They shall determine the kind of building they shall erect or have erected, the capacity thereof, and the cost of the same, and shall pay for the same with the proceeds of said bonds. Or if said Board of Mayor and Aldermen may see proper, they may have said building erected under contract, to be made with some contractor in such manner as the Mayor and Aldermen may prescribe.

SEC. 15. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed February 24, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

S. B. TATUM,  
*Speaker pro tem of the House of Representatives.*

Approved March 5, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 172.

### SENATE BILL No. 342.

(By Mr. McKay.)

AN ACT entitled An Act to extend and change the corporate limits of the city of Memphis, in Shelby County, Tenn.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the city of Memphis, Shelby County, Tenn., be, and the same are hereby, changed and extended so as to embrace all of the people and territory in the following lines—to wit:

Beginning on the line of midstream of the Mississippi River at a point where the south line of the Speedway as laid off immediately east of Moore Avenue if extended west would intersect said midstream line, and running thence east with the south line of the said Speedway (said Speedway being known here as "Kerr Avenue") to the southeast corner of said Speedway and Victor Avenue; thence east with the south line of said Speedway to a point where it turns north; thence north to the southeast intersection of said Speedway and Kerr Avenue; thence east with the south line of Kerr Avenue to the northeast corner of Calvary Cemetery; thence north to the south line of the Speedway (Known here as "Austin Avenue"); thence east with the south

Boundaries.

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line of the Speedway to the southeast corner of said Speedway and Locke Avenue; thence due east to the east line of Trezevant Avenue; thence north to the east line of Trezevant Avenue to the south line of the Speedway; thence east with the south line of the Speedway to the east line of the Speedway; thence north, following the east line of said Speedway (said Speedway being known as "Trezevant Avenue"), to the northeast corner of Trezevant and Summer Avenue; thence north with the east line of Trezevant Avenue to the Old Raleigh Road (also known as "Jackson Avenue"); thence west with the north line of the Old Raleigh Road or Jackson Avenue to a point where it intersects the west line of Springdale Avenue; thence north with the west line of Springdale Avenue to the northwest intersection of the said Springdale Avenue and the right of way of the Louisville and Nashville Railroad; thence west to the northeast corner of the present city limits; thence westwardly on the north line of the present city limits (being the south line of Voluntine Avenue) to a point where the west line of Jones Avenue if projected south would intersect said north line of present city limits; thence north to the northwest intersection of Jones Avenue and the New Raleigh Road; thence west on a direct line to the southwest corner of Maple and Chestnut Streets; thence west with the south line of Maple Street to the southeast corner of Maple Street and Thomas Street; thence west on a direct line to midstream of Wolf River; thence southwardly with the meanderings of the midstream line of Wolf River and Maingault Canal to the line of midstream of the Mississippi River; thence southwardly with the meanderings of the midstream line of the Mississippi River to the point of beginning.

SEC. 2. *Be it further enacted*, That this Act take



effect from and after the first day of September, 1909.

Passed February 27, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 173.

### SENATE BILL No. 305.

(By Mr. Blackburn.)

AN ACT to amend Section 1 of Chapter 562 of the Acts of 1907, being an Act to provide and regulate the compensation of Chancery Court Clerks and Masters in counties of the State of Tennessee having a population of not less than 12,930 or more than 12,940 by the Federal census of 1900 or any subsequent Federal census.

Wayne  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of Chapter 562 of the Acts of the General Assembly of the State of 1907 be so amended as to strike out the words "seven hundred and fifty," in line seven of said section, between the words "of" and "dollars," and insert in lieu thereof the words "five hundred," so that said line shall read "five hundred" instead of "seven hundred and fifty."

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 26, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 6, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

## CHAPTER 174.

### SENATE BILL No. 279.

(By Mr. Fisher.)

**AN ACT** to authorize and empower the Mayor and Aldermen of Lebanon, Tenn., to fund its past-due indebtedness, and to issue bonds to the amount of \$20,000 for that purpose.

**SECTION 1.** *Be it enacted by the General Assembly* **Bonds.**  
*of the State of Tennessee,* That the Mayor and Aldermen of Lebanon, Tenn., be, and are hereby, authorized and empowered to fund the past due indebtedness of said Mayor and Aldermen of Lebanon, Tenn., and for that purpose they are authorized and empowered to issue forty bonds of the amount of \$500, each with interest coupon attached. Ten of these bonds shall be due and payable in five years, ten of these bonds due and payable in ten years, ten of these bonds due and payable in fifteen years, and ten of these bonds shall be payable in twenty years. Said bonds shall bear interest at the rate of five per cent, and shall not be sold for less than their face value.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 27, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 175.

### SENATE BILL No. 261.

(By Mr. Cox.)

AN ACT to amend an Act entitled "An Act to incorporate the city of Bristol and to define its powers; to appoint its first Mayor and Aldermen and other officers; to make provision for the property, contracts, obligations, etc., of the preëxisting municipality; and to maintain its ordinances and resolutions, as well as to revitalize all of its bond-enabling Acts; and for all purposes incident to said new incorporation," passed March 22, 1907, approved March 27, 1907, being Chapter 180 of the Acts of 1907, and found in the published Acts of 1907, pages 524 to 545, so as to authorize said city of Bristol to own and operate a waterworks system; to enlarge and define its powers of eminent domain; to authorize it to condemn water, springs, running streams, or other water courses; to condemn land for reservoir, pumping station, power plant; and for any and all other and further purposes connected with or incident to the use and operation of said waterworks system; and to condemn rights of way for pipe lines, etc., all either within or beyond the corporate limits of said city; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the original Act incorporating the city of Bristol, entitled "An Act to incorporate the city of Bristol, and to define its powers; to appoint its first Mayor and Aldermen and other officers; to make provision for the property, contracts, obligations, etc., of the preëxisting municipality; and to maintain its ordinances and resolutions, as well as to revitalize all of its bond-enabling Acts; and for all purposes incident to said new corporation," passed March 22, 1907, approved March 27, 1907, being Chapter 180 of the Acts of 1907, and found in the published Acts of 1907, pages 524 to 545, be, and the same is hereby, amended by an addition at end of Subsection 27 of Section 17 of following paragraphs or sections:

"1. That said city of Bristol (Board of Mayor and Aldermen of the city of Bristol) be, and it is hereby, authorized to own and operate a waterworks system to furnish its inhabitants and others with water, and that it shall have the right and authority to exercise the right and power of eminent domain, and to condemn any spring or springs, running stream

Waterworks  
system au-  
thorized.

or running streams, or other water course or water courses and the water thereof, or such part or parts, or portion or portions of same as may be deemed necessary and proper to use in supplying said city of Bristol or the inhabitants thereof or others with water, and to condemn any and all ground, either within or beyond the corporate limits, necessary for rights of way for a reservoir or reservoirs, pumping station or pumping stations, power plant or power plants, or other uses and purposes connected with or incident to the use and operation of said waterworks system or systems, and the supplying of water therefrom, and shall have the right, power, and authority to condemn all necessary rights of way for a pipe line or pipe lines, for the laying of any and all such pipes as may be deemed necessary and proper in conveying or piping water from any such spring or springs, running stream, or other water course or water courses to a suitable reservoir, pumping station, or other receptacle, either within or beyond the corporate limits of said city.

“2. That just compensation shall be made by said city of Bristol (Board of Mayor and Aldermen of the city of Bristol) to the owner or owners of all property taken and appropriated, in case it shall exercise the right, power, and authority of eminent domain in any of the particulars herein conferred; in case it shall condemn any spring or springs, water, water rights, running stream, or other water course or water courses, or in case it shall condemn ground for reservoir or reservoirs, pumping station or pumping stations, power plant or power plants, rights of way for a pipe line or pipe lines or ground for any other uses and purposes connected with or incident to the use and operation of said waterworks system or systems, either or both, under the power and authority conferred under the provisions of the first section of this amendment to said original Act, or charter of incorporation, just compensation shall be made by said city of Bristol to the owner or owners of such spring or springs, water, water rights, running streams, or other water course for the water thus taken and appropriated, including also damages resulting to them, or either of them, from the taking and appropriating of said water, water rights, etc., and likewise to the owner or owners of land

taken for reservoir or reservoirs, pumping station or pumping stations, power plant or power plants, rights of way for pipe line or pipe lines, or other purposes connected with or incident to the use and operation of said waterworks system or systems, and the supplying of water therefrom, the value of the land or ground and rights of way so taken and appropriated, together with the damages resulting to them, or either of them, from such taking.

Power of condemnation.

“3. That in the event said city of Bristol (Board of Mayor and Aldermen of the city of Bristol) shall desire to exercise the right, power, and authority of eminent domain, and to condemn any spring, water, water rights, water course, land for reservoir, pumping station, power plant, rights of way for pipe line or pipe lines, or other purposes connected with or incident to the use and operation of such waterworks system or systems, and the supplying of water therefrom, under and by virtue of the power and authority conferred by the provisions of said original Act, or charter of incorporation, and this amendment thereto, and is, or shall be, unable to agree with the owner or owners of any such spring, water, water rights, running stream, or other water course or water courses, or with any such riparian owner or owners, or with the owner or owners of any such land or ground necessary for reservoir, pumping station, power plant, rights of way for pipe line or pipe lines, or other purposes connected with or incident to the use and operation of such waterworks system or systems, or the applying of water therefrom, as to the amount of compensation to be paid, as herein provided, then said compensation shall be fixed and determined by law and by proper condemnation proceedings brought for that purpose, or by other legal proceedings brought in order to fix and determine the compensation to be paid, the proceedings for condemning such spring or springs, water, water rights, running stream or running streams, or other water course or water courses, or the water therefrom, and all land or ground for reservoir or reservoirs, pumping station or pumping stations, power plant or power plants, rights of way for a pipe line or pipe lines, or other uses and purposes connected with or incident to the use and operation of such waterworks system or systems, or the supplying of wa-

ter therefrom, shall be the same in all respects as is provided in the Code of Tennessee, from Section 1325 to Section 1348, both inclusive, being Sections 1549 to 1572, both inclusive, of Milliken and Ver-trees' Code of Tennessee, and Sections 1844 to 1867, both inclusive, of Shannon's Compilation of the Laws of Tennessee, and in addition to the rights, power, and authority conferred by said several sections above referred to, and for the purpose of ascertaining, fixing, and determining the compensation to be paid, and for other purposes, the parties shall also have the right, benefit, and authority conferred and provided by any and all other general laws of the State of Tennessee which have been or which may hereafter be enacted governing, controlling, and regulating the exercise of the right, power, and authority of eminent domain."

SEC. 2. *Be it further enacted*, That said original Act, or charter of incorporation, being Chapter 180 of the Acts of 1907, be, and the same is hereby, in all respects ratified and confirmed, and that said Act be, and the same is hereby, amended by the addition of the three paragraphs or sections referred to as "1," "2," and "3," hereinbefore fully and particularly set forth, and that this amendment take effect from and after its passage, and that said original Act, as herein amended, take effect from and after its passage, the public welfare requiring it.

Passed February 25, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 176.

### SENATE BILL No. 125.

(By Messrs. McKay and Kelly.)

AN ACT entitled An Act to authorize counties of 150,000 inhabitants and over according to the Federal census of 1900, or any subsequent census, to pay for the past and future service of an Auditing Committee composed of two Justices of the Peace of the Quarterly Courts of the said counties.

Applies to  
Shelby  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That counties of this State having a population of 150,000 or over according to the Federal census of 1900 or any subsequent census are authorized to pay for the services of an Auditing Committee composed of two Justices of the Peace of the Quarterly Court of said counties as much as \$100 each per year for two members who have served on said committee for the years 1907 and 1908, and to pay \$100 each per year to two members of an Auditing Committee composed of Justices of the Peace of said counties performing such services as are required of them by said courts from and after the passage of this Act.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 3, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 177.

### SENATE BILL No. 110.

(By Mr. Neal.)

AN ACT to promote the establishment, organization, and efficiency of free public libraries, school libraries, traveling libraries, and other libraries, and for that purpose to create a Free Library Commission and define its powers and duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That as soon as practicable after the passage of this Act the Governor shall appoint three persons for terms respectively of two, four, and six years, who, with the State Librarian and State Superintendent of Public Instruction, shall constitute the Free Library Commission; and appointments shall be made by the Governor to fill unexpired terms. Free Library Commission.

SEC. 2. *Be it further enacted*, That the officers of such Commission shall be a Chairman, to be elected by the members thereof from among themselves for a term of one year, and a Secretary, not from their own number, to be appointed by such Commission, who shall serve at the will of the Commission under the regulations and for the compensation prescribed by the Commission. The Secretary shall keep a permanent record of the proceedings of the Commission, and also accurate account of its receipts, expenditures, and other financial transactions; shall have active charge of the work imposed on the Commission by Section 3 of this Act, and shall perform such other duties as are imposed on him by the Commission. If funds be available, the Secretary, in addition to his compensation, shall be allowed his actual and necessary traveling expenses when on official business, and the members of the Commission who do not reside in Nashville may be allowed their traveling expenses to and from Nashville to attend meetings of the Commission, and any member may be allowed his necessary traveling expenses incurred in establishing and visiting libraries in this State under the order of the Commission. Except the Sec- Records to be kept.

retary, no officer or member of the Commission shall be allowed any compensation for services as such.

Duties of  
Commission.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Commission hereby created to encourage and promote the establishment throughout the State of free public libraries, school libraries, traveling libraries, and other libraries, and aid in the organization and administration thereof, and in the administration of libraries already established in this State. For this purpose the Commission, when opportunity offers, shall give information and advice to all communities in the State that proposes establishing such libraries as to the best methods of establishment, organization, and administration; and, in the case of any library already established, shall, whenever requested by the Librarian or Board of Directors or Trustees thereof, furnish like assistants, information, and advice to such library. The Commission is authorized to purchase and accept gifts of books, periodicals, and traveling libraries and circulate them in towns, villages, and farming and other communities where needed, it being the purpose of this provision to make practicable in small communities, by temporary supplies thereof, such reading and study of good books and periodicals as is not practicable to persons who have not access to libraries.

Meetings.

SEC. 4. *Be it further enacted*, That the Commission hereby created shall hold its meetings in the office of the State Librarian, and its Secretary shall be allowed the use of that office for the performance of his duties. The Commission shall hold a regular annual meeting in January of each year. The Chairman may and, upon the written request of two of the members, shall, call a meeting at any time after written notice thereof to all the members by the Secretary, mailed seven days in advance of the day of such meeting. Three members shall constitute a quorum for the transaction of business at its annual meeting, the Chairman shall be elected, and the Commission shall prepare and at once present to the Governor a full report of its operations since the last annual meeting.

Quorum.

SEC. 5. *Be it further enacted*, That this Act take

effect upon and after its passage, the public welfare requiring it.

Passed February 24, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 178.

### SENATE BILL No. 150.

(By Mr. Sells.)

**AN ACT** to prohibit the soliciting of orders for the purchase of alcoholic liquors, whether the liquors be in this or some other State.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That no person shall within this State at any place where the sale of intoxicating liquors as a beverage is forbidden by law solicit, in person, orders for intoxicating liquors as a beverage, whether said intoxicating liquors be situated in this or some other State.

**SEC. 2.** *Be it further enacted,* That any person violating this Act shall be guilty of a misdemeanor, punishable by a fine of not less than fifty nor more than five hundred dollars, or imprisonment in the county jail for any term not more than six months, or both, in the discretion of the court.

**SEC. 3.** *Be it further enacted,* That the Criminal and Circuit Judges shall give this Act in charge to the grand juries.

**SEC. 4.** *Be it further enacted,* That this Act take effect from and after July 1, 1909, the public welfare requiring it.

Passed February 25, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 179.

### SENATE BILL No. 137.

(By Mr. McKay, by request.)

A BILL declaring certain offenses to be misdemeanors, and prescribing the punishment therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any person, being an officer, agent, or employee of any common carrier doing business in this State, who shall directly or indirectly solicit, accept, or receive from any person, firm, or corporation any money, property, or thing of value, in consideration for which such officer, agent, or employee does, or agrees to do or perform, any act for and on behalf of such carrier, and in the interest of such person, firm, or corporation, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

SEC. 2. *Be it further enacted*, That any person, firm, or corporation, or any agent, employee, or officer of any firm or corporation, who shall directly or indirectly offer, pay, or deliver to any officer, agent, or employee of any common carrier doing business in this State, any money, property, or thing of value in consideration for which such officer, agent, or employee does, or agrees to do or perform, any act for and on behalf of such carrier, and in the interest of such person, firm, or corporation, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars; *provided*, that the payment and acceptance of the established and regular charges imposed by any such common carrier for services performed by it shall not constitute either of the crimes defined by this Act.

SEC. 3. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed February 26, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 180.

### SENATE BILL No. 275.

(By Messrs. Huffaker and Cooper.)

AN ACT to provide support for the library of the University of Tennessee, and to that end to direct the Funding Board of the State of Tennessee to issue to said university a certificate of indebtedness of the State for forty thousand dollars, and to provide for the payment of the interest on the same.

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whereas Mr. Andrew Carnegie, of the city of New York, has offered to donate to the Board of Trustees of the University of Tennessee the sum of forty thousand dollars to be used in the erection of a library building for said University, on the condition that an equal amount be provided as a fund, the interest on which shall be expended in the purchase of books and general maintenance of the said library building; and

WHEREAS the scholarship and general interest of the University of Tennessee, as the head of the public-school system of the State, will be greatly advanced by the acquisition of said library building and an adequate sum for its maintenance; now, therefore,

Carnegie  
Library  
authorized.

SEC. 2. *Be it enacted*, That the Board of Trustees of the said University of Tennessee be authorized to

accept the donation of Mr. Carnegie on the condition stated.

SEC. 3. *Be it further enacted*, That in order to meet the conditions imposed by Mr. Carnegie, the State of Tennessee shall provide an endowment fund for said library of forty thousand dollars, and to this end the Funding Board of the State is hereby authorized and directed to issue to the Board of Trustees of the University of Tennessee a certificate of indebtedness of the State of Tennessee for the sum of forty thousand dollars, bearing interest at the rate of five per cent per annum. This certificate of indebtedness shall be similar in form to the certificate now held by the Board of Trustees of the University of Tennessee and representing the investment of the proceeds of the sale of land script given to the State of Tennessee by the Congress of the United States for the establishment of a College of Agriculture and Mechanic Arts, and by the State transferred to the University of Tennessee for the establishment of said college as a part of said University.

Endowment  
fund  
provided.

SEC. 4. *Be it further enacted*, That in order to provide for the interest on the certificate of indebtedness above authorized, the Board of Trustees of the University of Tennessee is hereby directed to set aside from any appropriation made to the support or equipment of said University at any biennial session of the General Assembly the amount of four thousand dollars, being at the rate of two thousand dollars per annum, and the amount thus set aside shall constitute the interest on the certificate of indebtedness for the biennial period. If at any future session the General Assembly shall fail to make an appropriation for the support or equipment of the University of Tennessee, the Board of Trustees of said University are hereby empowered and directed to set aside from any other funds of said University not appropriated by the General Assembly or the National Congress for specific purposes the amount of four thousand dollars, to represent the interest on said certificate of indebtedness for the period of two years, for which no appropriation for support or equipment has been made, in which case they are directed to make a special report of the facts to the next session of the General Assembly, to the end that provision for payment of the amount thus diverted

Interest.

may be included in its appropriation for the support or equipment of said University.

**Library fund.** SEC. 5. *Be it further enacted,* That the interest provided for in this Act, together with any other gifts or income from endowment for the support of the library of the University, shall be regularly set aside by the Board of Trustees as a fund to be known as the "Library Fund," for the maintenance and development of the library of said University, and said fund shall not be used for any other purpose whatsoever, a separate account of said fund being kept on the books of the University showing the amounts and character of the disbursements made from it. An accounting for said fund shall be included in the biennial report to the Governor and General Assembly made by the Board of Trustees of the University of Tennessee.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 27, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved March 6, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 181.

### SENATE BILL No. 374.

(By Mr. McKay.)

AN ACT to amend Chapter 160, Acts of 1895, so as to fix the amount of deposit of life insurance companies incorporated under the laws of foreign governments.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee;* That Section 10 of Chapter 160, Acts of 1895, be, and the same is hereby, amended by adding at the end of said Section 10 the following words: "And said deposit of \$200,000 shall be in lieu of any other deposit required of life insurance companies incorporated under the laws of any government or State other than the United States."

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 6, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 182.

### SENATE BILL No. 333.

(By Mr. Mansfield.)

AN ACT to prevent certain animals from running at large in counties in Tennessee having a population of not less than twenty-two thousand seven hundred and thirty-eight (22,738) nor more than twenty-two thousand seven hundred and fifty according to the Federal census of 1900 or any subsequent Federal census; prescribing penalties for the violation thereof; providing for the taking up, impounding, and disposition of such animals; prescribing the duties of certain officers, fixing their compensation and the application of funds derived from the sale of animals under this Act.

Applies to  
Roane  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be unlawful for any person or persons owning or having the custody and control of any stallion one year old or older, any bull six months old or older, any boar three months old or older, or any buck three months old or older, to permit any such animal or animals to run at large on any of uninclosed lands or highways, or knowingly allow or permit the same to trespass upon the land or premises of any other person in all counties in Tennessee having a population of not less than twenty-two thousand seven hundred and thirty-eight (22,738) nor more than twenty-two thousand seven hundred and fifty according to the Federal census of 1900 or any subsequent Federal census.

SEC. 2. *Be it further enacted*, That any person willfully, knowingly, or negligently violating Section 1 of this Act shall be deemed guilty of a misdemeanor, and, on conviction, shall pay a fine of not less than five dollars (\$5) nor more than twenty dollars (\$20).

SEC. 3. *Be it further enacted*, That it shall be the duty of the Sheriff or any Deputy Sheriff or Constable of said counties, or of any Marshal or Police-man of any town or city, to take and impound any such animal found or known by them to be running at large in violation of Section 1 of this Act, whether with the knowledge of the owner of such animals or not; and such officers shall proceed to this duty

without delay upon knowledge of the fact, and especially upon being notified of the fact by any landowner, proprietor, or tenant on whose premises such stock or animals may be trespassing or may have been taken up and impounded by such owner, proprietor, or tenant, as provided in Section 4 of this Act.

SEC. 4. *Be it further enacted*, That it shall be the duty of any landowner, proprietor, or tenant to take up and impound any such animal found running at large on any of the highways or uninclosed lands in such counties, or trespassing on any of his or their lands, or lands under their control, and every person taking up and impounding any such animals shall at once notify the owner, if known; and if the owner of any such animal shall fail to claim and care for such animal within twenty-four (24) hours after receiving such notice that such animal has been taken up, such person shall notify the Sheriff, Deputy Sheriff, or any Constable, Marshal, or Policeman most convenient that such animal or animals have been taken up and impounded; but no person taking up or impounding any such animals shall receive any compensation therefor, except as provided in Section 5 of this Act.

SEC. 5. *Be it further enacted*, That any officer taking up and impounding any such animal under Section 3 of this Act shall safely keep and properly care for and feed and water same until called for by the owner, or otherwise disposed of; and if not called for by the owner within forty-eight (48) hours after the taking up, the officer shall advertise such animal or animals by written poster at the post office or trading point nearest to where the animal or animals are impounded for ten (10) days, and sell the same where impounded at public outcry to the highest bidder for cash; *provided*, that if at or before the actual sale such animal or animals shall be claimed by the owner and identified to the satisfaction of the officer, and the expenses paid, as provided in Section 6 of this Act, such animal shall be delivered to the owner, and not sold.

SEC. 6. *Be it further enacted*, That the officer proceeding under Section 5 of this Act shall be entitled to receive out of the proceeds of the sale, or before delivering the stock or animals to the owner, the fol-

lowing compensation: For taking up and impounding each animal, one dollar (\$1); for keeping and caring for each animal, twenty-five (25) cents per day of twenty-four (24) hours; for advertising and sale of each animal, fifty (50) cents.

SEC. 7. *Be it further enacted*, That the remainder of funds arising from the sale of such animals under the provisions of this Act, after the fees due the officers have been paid, shall be paid into the public-school fund of the county, by regular settlements, by the officers making the sales, with the County Judge of the County Court, which settlements are hereby required to be made on the first day of each regular term of the Quarterly Court; and any officer having such funds in his hands and failing to make such settlements shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

SEC. 8. *Be it further enacted*, That this Act take effect on and after July 1, 1909, the public welfare requiring it.

Passed February 26, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 183.

### SENATE BILL No. 304.

(By Mr. Mansfield.)

AN ACT to provide for and enforce the education of all children between the ages of eight and sixteen years in counties in Tennessee having a population of not less than twenty-two thousand seven hundred and thirty-eight nor more than twenty-two thousand seven hundred and fifty according to the Federal census of 1900 or any subsequent census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every parent, guardian, or other person in this State having control or charge of a child between the ages of eight and sixteen years shall send such child or children to a public school or to some other school for at least sixteen weeks or eighty days of not less than four hours each of each year, or as long as the public school of the city or district in which such child resides shall be in session, in case the session shall be less than sixteen weeks during the year, unless such attendance, in whole or in part, is excused by the District or City School Directors or other officers having control of the public school in a written exemption, showing on whose application granted, and the period and reasons for which the exemption was granted.

Applies to  
Roane  
County.

SEC. 2. *Be it further enacted*, That no such exemption from school attendance shall be granted unless such child has completed the primary school course and attained proficiency in all the subjects or branches thereof, or unless such child has been or is being instructed for not less than sixteen weeks in the year in some private, parochial, or tutorial school, or at home by competent and reliable teachers, or unless it appear from the competent medical or other positive and satisfactory testimony that the child is or was in such condition physically or mentally as to prevent its attendance at school, or its application to study for the period of exemption, or unless, because of sickness or extreme poverty, the wages, time, or labor of such child or children are

Exemptions  
may be  
granted—  
when.

essentially necessary for the support of a destitute parent, brother, or sister in such indigent family to prevent them from becoming objects of charity; *provided*, that if any such child or children is of a family in extreme poverty and destitution as aforesaid, the Commissioner of the Poor or County Court of the county may make an allowance or appropriation to reimburse the family or indigent child for the loss of time, work, or wages during school attendance, and to furnish such child or children necessary clothing so as to enable such child or children to attend school for the time required without exemption on account of poverty and destitution aforesaid, which sum shall be paid by the Commissioners out of any funds at their disposal, or by the county upon the recommendation of such payment by said Commissioners of the Poor; *provided, further*, that the District Directors and City School Boards or other officers having control of the public schools of the districts and cities may, with the consent of the County or City Superintendent of Schools, buy and furnish with the school funds for any such child, who is of a family in extreme poverty and destitution, all necessary text-books for use under the direction of the teacher in the schoolroom during school hours by such indigent child or children, and no others, which books shall be delivered by the teacher to the District Directors or the City Board of Education at the close of the school or when the necessity thereof terminates; *provided, further*, that the occasional absence from such attendance by any such child between the ages of eight and sixteen years, not amounting to more than two unexcused absences in four consecutive weeks, reckoned in periods of four weeks from the beginning of the school term, shall not be unlawful.

Attendance to  
be consecutive.

SEC. 3. *Be it further enacted*, That the attendance of sixteen weeks or eighty days required shall begin with the opening of the school session for the year, and shall be consecutive, except for holidays, vacation, detention by sickness, and other necessary and unavoidable causes, and such intermissions of such attendance shall not be counted as part of the sixteen weeks required; *provided*, that any responsible principal or teacher of any school shall have power to exempt any such child for temporary absence on

account of unusual storm, bad weather, or high waters, death in the child's family, providential hindrance, unforeseen and unavoidable accidents and for observance of religious festivals and holidays; *provided, further*, that the provisions of this Act shall not apply in cases where the home of the parent or other custodian of the child or children between the ages of eight and sixteen years is more than two and one-half miles from the nearest public school by the shortest road.

SEC. 4. *Be it further enacted*, That any parent, guardian, or other persons subject to the provisions of this Act, who shall fail to comply with the provisions thereof, unless excused or exempt therefrom as herein provided, shall be guilty of a misdemeanor, and shall, upon conviction, be liable, for the first offense, to a fine of one dollar for each day which any child for which he or she is responsible has been absent, and for each subsequent offense shall be liable to a fine of two dollars for each day the child has been absent; *provided*, that the fine for any first offense may, upon payment of costs, be suspended and not collected until the same party is convicted of a second offense.

SEC. 5. *Be it further enacted*, That during the period of the year that the public schools of any district or city of this State are in operation it shall be a misdemeanor, punishable by fine, for any person, firm, or corporation to hire or use the services of any child between the ages of eight and sixteen years, unless such child shall have first attended school during the year then current for the length of the time required by this Act, or unless such child has been excused from school attendance in the manner allowed and prescribed by this Act; and a violation of this provision shall subject the offender to a fine of ten dollars (\$10) for each offense, collectable in an action in the name of the State before any court of competent jurisdiction, and payable to the County Trustee for the benefit of the public school of the district in which the offense was committed.

SEC. 6. *Be it further enacted*, That it shall be the duty of all school officers, whose duty it is to take the school census within their respective districts, counties, and cities, to ascertain at the time of taking the annual census of the school children, as required

Name and age  
of children  
to be  
recorded.

by law, the full name and age of each child, and the name and place of residence of the child's parents, guardian, or other custodian, and record the same in their respective offices and make report thereof to the County Superintendent of Public Instruction. The District Clerk or the Secretary of the City or County Board of Education shall, at the beginning of the session, furnish to the principal or teacher of each public school under control of the respective Boards a copy of the census of all children between the ages of eight and sixteen years belonging to the school in charge of such principal or teacher or residing in the school limits thereof.

Duties of  
teachers.

SEC. 7. *Be it further enacted*, That the principals or teachers of the public schools shall, at the opening of the public-school session for the year, bring to the attention of all parents and other custodians of any child or children between said ages, respectively, the provisions and penalties of this Act, and they shall keep a record of the actual time of attendance of all children assigned to them or residing in the school limits of their respective schools. Said teachers shall notify the parent or custodian of any child between the ages of eight and sixteen years belonging to the school in his or her charge of the absence of such child, which notice shall be in person or in writing, and within three days after the absence occurs. At the close of each school month said teachers shall report in writing to the Clerk of the District Directors or the Secretary of the City or County Board of Education by which he or she was employed a list of all absences of all children between the ages of eight and sixteen years which occurred during the month, together with copies of all excuses offered by the parents or other custodians of the children who have been absent, and also a statement as to which excuses were accepted as true and sufficient; *provided*, that no warrants for teachers' salaries shall be issued or the salaries paid until such reports are made and the District Directors and City Boards or officers having control of the district and city schools shall require of the teachers such reports as to the attendance and nonattendance of such children assigned to them, respectively, for supervision, and make such records thereof as that the records of their offices shall at all times show the

Salaries not to  
be paid until  
reports are  
made.



names and residences of all the persons within their respective districts and cities who fail to comply with the requirements of this Act.

SEC. 8. *Be it further enacted*, That it shall be the duty of the District, County, and City School Boards having control of the public schools in the districts and cities, through the Clerk and Secretary, as their agent, or other school officer designated by the respective Boards, to enforce the payment and collection of all fines for the violation of this Act incurred by employers, parents, and others within the respective districts and cities, and for this purpose to institute all necessary suits therefor in the name of the State before any court having competent jurisdiction, which fines shall be paid to the County Trustee, who shall place the same to the credit of the school of the district or city where the offense was committed, and pay out and account for the same as prescribed by law for other funds. Said Boards and officers shall institute said suits for said violation of this Act within ten days after the close of the school, and not later than the last week in June of each and every year, and shall prosecute the same with due diligence; *provided*, that the Clerk or Secretary of said Boards or School Directors may report from time to time during the school or at any time after its close any violation of this Act or any unexcused absence to any Sheriff or Deputy Sheriff of the county, or any Constable of the district, and it shall be the duty of said officers and all peace officers to arrest and prosecute such offenders.

School Board  
to collect  
fines.

Said officers shall arrest any such child of school-going age that habitually haunts public places and has no lawful occupation, and also any truant child who absents himself or herself from school, and to place him or her in charge of the teacher of the public school which such child by law is entitled to attend, or in some other school designated by the parents or custodian, in which arrangements for its reception have been made; *provided, further*, that in case of conviction and fine by any Justice of the Peace for any violation of this Act, the defendant may appeal to the Circuit or Criminal Court of the county upon securing the fine and all costs, or by taking the pauper oath and giving a good and sol-

Officers to  
make arrests.

vent appearance bond in the sum of two hundred and fifty dollars (\$250).

Reports to be  
made.

SEC. 9. *Be it further enacted*, That it shall be the duty of the State and County Superintendents of Public Instruction to require the District Directors and City Board of Education or other officers in control of the public schools to make such reports from time to time as may be deemed necessary, showing the enrollment of all the children within their respective districts and cities between the ages of eight and sixteen years in the public schools or other substituted schools, and the extent to which such attendance on the part of any child falls short of the requirements of this Act, together with the names and residence of the parents, guardians, or other custodians of the children who have failed in any respect to meet the requirements of this Act, and a list of the fines incurred and entered thereunder, with an itemized list and the amount of such fines actually collected. It shall be the further duty of the County Superintendents and of the State Superintendent of Public Instruction to show in their annual reports or in their special reports the effects and results of the enforcement and operation of this Act, and to recommend such amendments and extensions thereof as in their judgment will result in the more effectual attainment of the purpose of this law and the better education of the children.

Penalties.

SEC. 10. *Be it further enacted*, That any School Director, member of a County or City Board of Education, or teacher of any public school, who willfully or negligently fails or refuses to comply with any of the provisions of this Act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50) for each offense, to be collectable and payable as hereinbefore prescribed in Sections 4 and 5 of this Act.

SEC. 11. *Be it further enacted*, That this Act shall only apply to counties of the State of Tennessee having a population of not less than twenty-two thousand seven hundred and thirty-eight. (22,738) nor more than twenty-two thousand seven hundred and fifty (22,750) according to the Federal census of the year 1900 or any subsequent Federal census; *provided*, that the provisions of this Act shall not

abridge or interfere with the right of all children to attend the public schools until they are twenty-one years of age; *provided, further*, that this Act shall not be so construed as to affect or abridge the rights of districts or counties and cities to maintain separate schools or school systems of their own.

SEC. 12. *Be it further enacted*, That this Act shall take effect from and after July 1, 1909, the public welfare requiring it.

Passed February 27, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 184.

### SENATE BILL No. 175.

(By Mr. Parham.)

AN ACT authorizing Jefferson County, through its Quarterly County Court, to issue bonds of said county for the purpose of grading and macadamizing public roads in said county; to appoint Commissioners, and fix their duties; also to sell said bonds, and to provide for their payment.

SECTION 1. *Be it enacted by the General Assembly* Amount of  
bonds.  
*of the State of Tennessee*, That the County Court of Jefferson County, Tenn., through its Quarterly Court, a majority of the Justices of the Peace of said county being present and voting therefor, be, and are hereby, authorized and empowered to issue bonds of said county, not to exceed one hundred thousand dollars, for the purpose of building, grading, and macadamizing the roads as set forth in this Act:

- Route of roads. . 1. To complete the road leading from Dandridge to Chestnut Hill, placing thereon macadam.
2. To construct and macadamize a road leading from Newmarket, in said county, by way of Jefferson City to the Hamblen County line at or near Talbott.
3. To macadamize the road heretofore graded by said county from Talbott to a point where said graded road intersects with a graded road leading from Dandridge to the Hamblen County line at Valley Home, and also to continue as far as the culvert at the Biddle place.
4. To macadamize the graded road leading from the Maryville Road at the Lichlyter farm to Hill's Store, by way of Nichol's Ferry.
5. To establish and grade a road beginning at the graded road near the public-school building at Leadvale and by way of the Flatwoods route to intersect with the pike road leading from Dandridge to White Pine, at or near White Pine. To grade a road beginning on First West Street, in the town of White Pine, passing over the most practical route to the Hamblen County line in the direction of Witt's Foundry.
6. To continue the macadam on the road leading through White Pine to the Hamblen County line. To grade, construct, and macadamize a road from Chestnut Hill to the Cocke County line, to meet the road leading from Newport to Cocke County line in the direction of Chestnut Hill.

Denominations  
and interest.

SEC. 2. *Be it further enacted*, That all bonds issued under the provisions of this Act shall be signed by the County Judge or Chairman and the Clerk of the County Court of said county, and shall bear the county seal. The denomination of said bonds shall be not less than one hundred dollars nor more than one thousand dollars. They shall bear interest at a rate not to exceed five per cent per annum, payable semi-annually; shall be consecutively numbered, beginning with No. 1; shall have interest coupons attached, numbered as the bond, maturing at proper dates to meet the interest, which coupons shall also bear the signature of the County Judge or Chairman and the Clerk of the County Court; and said bonds, principal, and interest, shall be payable in lawful money in the United States. The rate of in-

terest which the bonds are to bear shall be fixed by the County Court before said bonds are sold. Said bonds shall mature in thirty years after their issuance. Upon the maturity of said bonds, the Judge or the Chairman of said County Court shall publish a notice in a newspaper published in said county, if any, giving the numbers of the bonds proposed to be redeemed, and place the date of redemption and names of the owners of the bonds, if known. If no newspaper is published in said county, such notice shall be by him posted at the courthouse door in said county for thirty days. If said bonds be not presented for payment at the time and place specified in the notice, the interest thereon shall cease at that date. The Judge or Chairman of the County Court of said county shall keep in his office a well-bound book, a record of the number and denomination of all bonds issued under this Act, and all payments of interest and principal on each made, which at all times shall be subject to public inspection. He shall also keep a proper book, in which all coupons and, lastly, the bonds to which they belong, as they come in, after payment and redemption, and on settlements with the Trustee.

Records.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Quarterly County Court of Jefferson County annually to levy a tax on all the taxable property and privileges in the county, bearing equally on each in proportion to the State tax, sufficient for the purpose of paying the semiannual interest on said bonds, and also for the purpose of creating a sinking fund sufficient for their redemption at maturity, or their earlier payment, as provided by this Act, but not to exceed thirty cents on the one hundred dollars' assessed valuation on property annually. But no poll tax shall ever be assessed or collected for the purpose of paying either the principal or interest on these bonds or so applied.

Tax levy and sinking fund.

SEC. 4. *Be it further enacted*, That the County Trustee shall collect and account for all taxes on property herein authorized and account for all taxes received from privileges in the same manner that he is required to do as to other county taxes; shall keep a strict account of receipts and disbursements thereof, keeping this separate from other funds; and

shall settle with the Judge or Chairman when he is by law required to settle as to other county funds. His compensation shall be two per cent of the collections from property. The County Court may require said Trustee to execute additional bonds, conditioned for the faithful performance of his duty in collecting and accounting for this fund, with sureties approved by it or its Judge or Chairman. The privilege tax shall be collected as other privileges are, and turned over to the Trustee aforesaid, less two per cent as compensation. The sinking fund, should it accumulate faster than it can be utilized under this Act, may be loaned under order of the Quarterly County Court until it can be so used, but not longer or otherwise. None of the funds raised under this Act shall be used for any purpose, except for constructing public roads and pikes under this Act, including all expenses of carrying this Act into effect.

Commissioners  
named.

SEC. 5. *Be it further enacted*, That W. R. Manard, S. Harris, and A. C. Parrott be, and are hereby, appointed Commissioners, who are authorized to employ engineers and other necessary expert service to survey, inspect, change, and classify these roads and make maps and charts showing the improvements and changes which the public interest requires to be made in said roads. Before entering on the discharge of their duties, said Commissioners shall take and subscribe an oath, which shall be filed in the office of the County Court Clerk, that they will faithfully and honestly discharge the duties of their office to the best of their judgment, skill, and ability, and that they will not be interested directly or indirectly in any contract for building said roads. From time to time they shall give such bond, with solvent security, as may be required by them by the said County Court, conditioned to honestly and faithfully account for all money, bonds, or property over which they may have control under this Act. It shall be the duty of said Commissioners to sell said bonds when issued to the highest bidder, and the proceeds thereof are to be deposited in a bank or banks, to be named by the County Court by the purchasers, subject only to the order of said County Court, or the checks of said Commissioners, approved by the Chairman or Judge of the County Court, payable to the contractors, employees, or other creditors of this

Duties and  
powers.

fund, and showing on their face for what service issued. Said bonds shall not be sold for less than par. Said Commissioners shall have the right to take by gift or purchase, on behalf of said county, rights of way, stone, timber, or any other things of value for the construction of the roads contemplated by this Act. They shall also make, or have made, specifications for the work to be done in the construction of said roads, to be the basis of contracts. They shall also have the right to reject and refuse to construct any road herein set out on account of expensive construction or procuring rights of way. Said Commissioners and surveying force shall have the right to enter and survey on any lands in the county, the county thereby being subject to none but actual damages. Said Commissioners may have condemned the rights of way selected by them on any route, damages to be assessed as now provided by law, Chapter 9 of the Code of Tennessee, as compiled by R. T. Shannon. Should any of said Commissioners refuse to serve, or should a vacancy occur in said Commission from any cause, then and in that event the Quarterly County Court of said county is hereby authorized and empowered to elect a Commissioner or Commissioners to fill the vacancy or vacancies when occurring. When the survey, maps, estimates, and specifications are made as to any road, said Commissioners shall advertise for sealed bids on the work, as a whole or in sections, for grading and macadamizing, together or separately, including the bridges and culverts, or they may be separate, and shall give the contract to the lowest responsible bidder. They shall have the right to reject all bids and readvertise. They shall make all contracts for service, material, rights of way, etc., in writing. They shall require proper bonds, with solvent security, from contractors building roads, conditioned to comply with the contracts. They may employ engineers to superintend or supervise the work. All work shall be done according to the specifications and contracts; and when so done, shall be approved by the Commissioners and paid for; but if not so done, it shall be disapproved and rejected.

Vacancies—  
how filled.

Contracts.

SEC. 6. *Be it further enacted*, That said Commissioners, out of the funds arising from the sale of the

Route of roads.

bonds herein authorized, or [are] further authorized and empowered to construct the roads over the most practical route from Dandridge by way of Elliott's Ferry to intersect with the graded road near Trion.

SEC. 7. *Be it further enacted*, That if there should be remaining on hand any money after the roads herein designated or [are] constructed, said Commissioners are hereby authorized and empowered to use said money in the completion of the roads heretofore graded by said county. In so doing, they will complete the roads that will be of the most benefit to the public first.

Reports to be  
made.

SEC. 8. *Be it further enacted*, That the County Court of said county shall fix the amount of compensation allowed said Commissioners for their services, and shall allow them to be paid out of said funds their expenses. They shall report to each quarterly term of the County Court in detail the progress of the work and expenditures, and make final report on the completion of the work.

SEC. 9. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 5, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 185.

### SENATE BILL No. 229.

(By Messrs. Senter and Ward.)

AN ACT to provide for the establishment of levee and drainage districts for the purpose of the draining and reclamation of the wet and swamp lands and lands subject to overflow in the State, and prescribing the method for so doing, and providing for the assessment and collection of the costs and expenses of such improvements, and the manner of obtaining the means or funds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of any county in this State is hereby vested with the jurisdiction, power, and authority at any regular, special, or adjourned session to establish a drainage district or districts, and to locate and establish levees, and cause to be constructed, as hereinafter provided, any levee, ditch, drain, or water course, or to straighten, widen, deepen, or change any natural water course in such county, or provide for the same being done whenever the same will be of public utility or conducive to the public health or welfare and as hereby provided. The court here vested with this jurisdiction and authority is the County Court held and presided over by the County Judge or Chairman, and not the Quarterly County Court, and all references in this Act to the County Court is to the court so held by the County Judge or Chairman, unless otherwise stated.

To provide for establishment of levee and drainage districts.

SEC. 2. *Be it further enacted*, That before any County Court shall establish a drainage or levee district, or any levee, ditch, drain, or water-course improvement, as provided for in this Act, a petition, signed by one or more persons owning land that will be affected by or liable to be assessed for the expenses of the proposed improvement, shall be filed in the office of the County Court Clerk of the county in which the improvement is expected to be made, setting forth that any body or district of land in such county, described by metes and bounds or otherwise, so as to convey an intelligible description of such

Petition and bond required.

lands, is subject to overflow, or too wet for profitable cultivation, and that the public health or welfare will be promoted by draining, ditching, or leveeing the same, or by changing a natural water course, or by in part changing such water course by cutting across bends of the same and shortening its length, or by cleaning out its natural bed or deepening or enlarging such bed, or by giving such water course a new outlet, or any or all of these and similar things pertaining to the proposed improvement, and setting forth in said petition as near as may be the starting point, route, and terminus, and lateral branches, if with proper prayer for purpose desired; and there shall be filed with said petition a bond, with good security, in such penal sum as the County Clerk may deem adequate, to be approved by him, and conditioned for the payment of all preliminary expenses till refunded, and of all costs and expenses incurred in the proceedings in case the County Court does not grant the prayer of the petition, or the petition is dismissed for any cause. The County Court may at any time deemed proper order said bond increased in penalty or in sufficiency, and make all necessary orders to this end.

Engineer to be  
appointed.

SEC. 3. *Be it further enacted*, That after such petition has been so filed and bond taken and approved, the County Court shall, at the first session thereafter, regular, special, or adjourned (and may at a later session), appoint a disinterested and competent engineer and have placed in his hands a copy of said petition, and he shall proceed to examine the lands described in said petition, and any other lands that would be benefited by said improvement, or necessary in carrying out such improvement, and survey and locate such drain or drains, ditch or ditches, levee or levees, improvement or improvements, as may be practicable to carry out the purposes of the petition and which will be of public benefit or utility or conducive to the public health or welfare. He shall make return of and file his proceedings with the County Clerk, which returns shall set forth the starting point, the route, the terminus or termini of the ditch or ditches, drain or drains, levee or levees, or other improvements, such as the straightening or shortening of water courses, cleaning out the beds thereof, etc., together with a plat

Report to be  
made.

and profile showing the ditches, drains, or other improvements, and the course and length of the same, approximately, through each tract of land as far as may be practicable, and the total length and the course and the elevation, as near as may be, of all lakes, ponds, and deep depressions in said district, and the fall obtainable across said district, and the boundary of the proposed district, and the description of each tract of land therein, as shown by the tax books, and the names of the owners thereof, as shown by the tax books, together with the probable cost of the improvement, and such other facts and recommendations as he may deem material.

The court may at any time recall the appointment of any engineer made under the provisions of this Act, if deemed advisable to do so, and appoint another to act in his place.

Engineer may be recalled.

That the ditches and drains herein provided for shall be surveyed and located along the general course of the natural streams and water courses, or in the general course of the natural drainage of the lands of said district, unless there should be some special and good reason why the natural course should be departed from to secure a new and better outlet, or for any other good reason, and having due regard to the straightening and shortening of such natural streams, water courses, and course of natural drainage.

Location of drains and ditches.

Whenever such ditch or drain crosses any railroad track or right of way, it shall be located at the place of the natural waterway across said right of way, unless said railroad company should have provided another place in the construction of its road-bed for flow of the water, or unless another place for so crossing its right of way shall be agreed upon by said railroad company; and if located at the place provided by or agreed upon by the railroad company, such company shall be estopped from afterwards objecting to such location on the ground that it is not the place of the natural waterway.

Crossing railroads.

The engineer may employ necessary help—such as axmen, rodmen, etc.—returning an itemized expense account.

Help may be employed.

Sec. 4. *Be it further enacted*, That upon the filing of the return of the engineer, the County Court shall examine the return; and if the plan seems to be ex-

County Court may approve or reject plans.

pedient and meets the approval of the court, it shall order the County Clerk to cause notice to be given, as hereinafter provided; but if it does not appear to be expedient, and is not approved, the court is hereby authorized to direct said engineer, or another engineer selected by it, to prepare another plan. If the court should deem the proposed improvement inexpedient or inadvisable, after an examination of the return of the engineer, or after a second or further return, it may dismiss the petition and proceedings, and, in that event, it shall adjudge all costs and expenses incurred against the petitioners and the sureties on said bond. When the plan, if any, shall have finally met the approval of the court, it shall order the County Clerk to issue a summons, or writ, to the Sheriff of the proper county, said writs to run in the name of the State, commanding the Sheriff to summons the persons named in said writ to appear before the court on the day set by it for the hearing of said petition. Said writ or summons shall name therein to be served the owners of all the tracts or lots of land not petitioners, within the proposed levee, improvement, or drainage district, as shown by the tax books of the county, or by affidavit filed, and upon the persons in actual occupancy of the lands or lots, and also upon any lien holder or incumbrances of any land in the proposed district, as shown by the county records, and shall notify them of the pendency of said petition and the prayer thereof; but no copy of the petition shall accompany the writ.

Writs to be  
served on  
owners not  
petitioners.

Said writ shall be served at least twenty days before the time set for the hearing of the matter of said petition; but said writ shall not be issued for or served upon any of the persons hereinbefore described who shall file with the Clerk a statement in writing, signed by said party entering his appearance at said hearing and waiving any additional notice, or the service of the writ may be acknowledged. In case any such owner, lien holder, or incumbrancer is a nonresident of the State, or his name or residence cannot be ascertained after diligent inquiry, and these facts are made to appear by affidavit filed, then publication shall be made for such party for two consecutive weeks in some newspaper of the county where the proceeding is pending notifying

Publication—  
when  
required.

such party or parties of the pendency and prayer of said petition, and to appear at the time set for the hearing thereof, the last publication to be at least twenty days before the time set for such hearing. Proof of such publication may be made as now provided by law in Chancery cases, and who are actual owners, or such lien holder or incumbrancer, may be made to appear to the Clerk by the affidavit of any person acquainted with the facts or by the averments of the petition if sworn to.

If at the time set for the hearing it shall appear to the court that any person entitled to notice as herein provided has not had such notice, the hearing shall be adjourned till such person can be given the required notice, and the court shall not lose jurisdiction of the subject-matter or of the person already properly notified by such adjournment or postponement. The persons concerned may appear and be heard without formally answering such petition in writing.

Hearing may  
be postponed.

SEC. 5. *Be it further enacted*, That any person claiming damages as compensation for or on account of the construction of such improvement shall file such claim in the office of the County Clerk at least five days prior to the day on which the petition has been set for hearing, and on failure to file such claim at the time specified shall be held to have waived his rights thereto; *provided*, if such person be an infant or a non compos mentis, and without regular guardian, or such guardian has not been notified of the proceeding as herein provided for notice, and the facts are made to appear by affidavit, the court shall appoint a guardian ad litem for such person, who may file such claim for damages, if deemed proper, for the person so under disability within the time above allowed or within five days after so appointed.

Claims for  
damages.

SEC. 6. *Be it further enacted*, That the County Court, upon the hearing of said petition at the time set for hearing, or at the time to which the matter has been adjourned or continued, shall proceed to determine the sufficiency of the petition in form and manner, which petition may be amended at any time, as to form and substance, before final action thereon; and if the court should find that such levee or drainage or improvement district would not be for the public benefit or utility, or conducive to the pub-

Jurisdiction of  
the County  
Court.

lic health or welfare, it shall dismiss the proceedings; but if the court should find such improvement conducive to the public health or welfare, or to the public benefit or utility, it shall determine and adjudge the necessity therefor of such levee or drainage district; and if no claim for damages has been filed, as provided in Section 5 of this Act, the court may, if deemed advisable, locate and establish said district, or may refuse to establish the same, as the court may deem best; and at such hearing the court may order said engineer, or a new engineer appointed by it, if deemed advisable, to make further examination and report to the court as to said improvement, in which event the hearing shall be continued till the filing of such further report. If any claims for damages have been filed, as provided in Section 5 of this Act, the court shall not establish such district till viewers have been appointed and have reported, and the court shall proceed to appoint three viewers to assess such damages, who shall be disinterested freeholders of the county, and not related to any party interested in the proposed improvement, nor themselves interested in a like improvement, and the engineer appointed by the County Court as aforesaid shall accompany said viewers and furnish such information as may be called for by them concerning the survey of said improvement.

Jury of view.

To file reports  
with Clerk.

SEC. 7. *Be it further enacted*, That the viewers appointed to assess damages, after being duly sworn to act impartially and faithfully to the best of their ability, shall proceed to view the premises and determine and fix the amount of damages to which each claimant is entitled, and file reports in writing with the County Clerk showing the amount of damages each claimant would be entitled to because of the establishment of the proposed improvement. The report of the viewers shall be filed as soon as practicable; and if any of them fails or refuses to act, for any reason, or they do not proceed to act with promptness, the court may appoint others as viewers in the place of any or all of them. In estimating the damages, the viewers shall give the value of the land proposed to be taken without deduction, but incidental benefits which may result to the owner by reason of the proposed improvement may be

taken into consideration in estimating the incidental damages.

SEC. 8. *Be it further enacted*, That after the filing of the report of the viewers, the court shall consider the amount of damages awarded in deciding whether such levee or drainage district should be established; and if in its judgment the probable cost of construction is not a greater burden than should be properly borne by the land benefited by the improvement, and the improvement is conducive to the public health or welfare, or to the public benefit or utility, then the court shall locate and establish such drainage or levee district by proper order or judgment to be entered of record, and the court shall thereupon proceed to determine the amount of damages sustained by each claimant, and may hear evidence in respect thereto, and may increase or diminish the amount awarded by the viewers, as may seem just and right. Any party aggrieved may appeal from the decision of the court in establishing, or refusing to establish, the improvement district, or its decision in the allowance of damages, such appeal being to the Circuit Court, and any party so desiring to appeal shall have the right to have the benefit of such appeal at any time within ten days after such decision is made without formally praying an appeal by filing with the Clerk of the County Court a notice of such appeal, at the same time filing with him a bond, to be approved by said Clerk in such sum as he may deem adequate, and conditioned to pay all costs and expenses of the appeal, unless the finding of the Circuit Court shall be more favorable to the appellant or appellants than the finding or decision of the County Court.

Decision of  
County  
Court.

Appeals.

The Circuit Court shall hear any such appeal de novo; and if the appeal be from the amount of damages allowed by the County Court, the amount ascertained and fixed by the Circuit Court shall be entered of record, but no judgment shall be entered therefor. The amount thus ascertained shall be certified by the Clerk of the Circuit Court to the County Court, which court shall thereafter proceed as if such amount had been by it allowed the claimant as damages. If the appeal is from the action of the County Court in establishing, or refusing to establish, the drainage or levee district, the Circuit Court

Circuit Court  
proceedings.

shall enter such order as it may deem just and proper in the premises, and the Clerk of said court shall certify the same to the County Court, which shall proceed thereafter in the matter in accordance with the order of the Circuit Court. In the Circuit Court in such cases the cases shall be docketed with the appellant or appellants as plaintiffs and the adversary parties as defendants, and where there are several appellants on questions of damages, the Circuit Court may consolidate the causes and hear or try them together, if practicable, making proper findings or orders as to each; and in such appeals from orders of the County Court made at the same session where there are several appellants, at their request only one transcript shall be made out by the County Court Clerk.

May pro rate costs.

On such appeals it shall rest in the discretion of the Circuit Court how the costs shall be adjudged and distribute among the litigants; and the trial in that court shall be with or without a jury as the court may deem the right of the parties to be under the particular issues to be tried, the right to a jury being accorded wherever the parties have such right under the law of the land.

Damages—by whom to be paid.

SEC. 9. *Be it further enacted*, That after the amount of damages due any claimant or claimants shall have been finally ascertained and fixed by the County Court, the amount of all such damages shall by said court be required to be paid, in the first instance, by the parties benefited by said levee or drainage district, or be secured, to be paid upon such terms and conditions as the County Court may deem just and proper; and after said damages have been paid, or secured, as aforesaid, the County Court shall enter a proper order of condemnation showing all such lands are appropriated and belong to such drainage or levee district for all its necessary purposes. In establishing any such levee or drainage district, all necessary lands may be appropriated as herein provided, and a right of way as much as two hundred (200) feet wide may be so appropriated, if deemed necessary, for the situs and location of any ditch or drain, or for the location of a new route or channel for any natural water course for the whole way or parts of the way of its course; and the natural bed of any water course in such dis-

Power of condemnation.



trict may, in so far as the same may be utilized and necessary, be so appropriated to the end that such bed or channel may be cleaned out, deepened, or widened; but the provision in this section as to the width of such right of way shall not prevent the County Court from ordering appropriated such other lands as may be deemed necessary for the purposes of such improvement district under the provisions of this Act.

SEC. 10. *Be it further enacted*, That after such levee or drainage district is so established by the County Court, and all damages paid or secured, if the County Court is of opinion that the report of the engineer already made is not sufficiently full or definite to enable the proper letting of contracts for the construction of the improvement, or, for other reasons, is not as full and definite as it should be, the court shall direct said engineer, or another appointed by the court for the purpose, to make a further and more complete survey and estimates of such district and cost of proposed improvements, and report to the court as to the same, giving all necessary and required information; how much of said improvement will be upon each tract of land, as nearly as practicable, giving definite estimates as to cost and character of work, and dividing the work into convenient sections for making contracts, etc., and giving such other particulars as the court may see fit to direct, and such report of such engineer shall be made and filed with the County Clerk without unreasonable delay; and if such engineer fails to act with reasonable promptness, the court may remove him and appoint another in his stead.

May require  
new survey  
and estimates  
of cost.

SEC. 11. *Be it further enacted*, That when the drainage or levee district, or other improvement herein provided for, shall have been located and established as provided for in this Act, the County Court shall appoint three Commissioners, one of whom shall be a competent civil engineer, and two of whom shall be freeholders of the county, not living within the levee or drainage district, and not interested therein, or in a like question, nor related to any party whose land is affected thereby; and they shall, as soon as practicable after their appointment, and after being duly sworn to perform their duty faithfully and impartially to the best of their

Commissioners  
and qualifications.

Duties.

Apportionment of cost of construction.

Basis of assessment.

Notice of assessments.

ability, inspect and classify all the lands benefited by the location and construction of such drainage or levee district in a graduated scale of benefits, naming the tract or tracts of each owner and so classifying the same, each tract to be numbered according to the benefit received, as below provided, by the proposed improvement; and they shall make an equitable apportionment and assessment of the costs, expenses, cost of construction, fees and damages assessed for the construction of any such improvement, and make report in writing thereof to the County Court. In making said estimate and apportionment, the lands receiving the greatest benefit shall be marked on scale of one hundred, and those benefited in a less degree shall be marked with such percentage of one hundred as the benefit received bears in proportion thereto. This classification, when finally established, shall remain as a basis for all future assessments connected with the objects of said drainage or levee district, unless the County Court, for good cause, shall authorize a revision thereof. In making such classification, said Commissioners are authorized to divide the land of one owner lying in one body into more than one tract, and classify each subdivision thereof, if they are of opinion that portions of such entire tract will be more benefited than other portions, and especially when such entire tract is a large one, and that it will be more equitable and just to so classify it in subdivisions.

In the report of such Commissioners they shall specify each tract of land by reasonable description and the ownership thereof as the same appears on the tax books of the county or as the same has been previously adjudged in the proceeding, and the court shall cause notice to be served upon each person whose name appears as the owner, and upon any person in actual occupancy of the land, which notice shall state the amount of special assessments apportioned to each owner on each tract or lot, the day set for hearing the same before the court, that all objections thereto must be made in writing and filed with the County Clerk on or before noon of the day set for hearing; and said notices shall be signed by the County Clerk and served at least five days before the time set for the hearing. If any such owner be a nonresident of the State, or his name or

residence is unknown and cannot be ascertained after diligent inquiry, then service of such notice upon the resident agent or attorney of such person shall be sufficient; if there be no such resident agent or attorney of such person, then the assessment may be made without notice, just as taxes are assessed without notice in such cases. When the day set for hearing has arrived, and the hearing is not continued by the court for good reason, as it may be, and when the hearing is had, the County Court shall proceed to hear and determine all objections made and filed to said report, and may increase, diminish, annul, or affirm the apportionment and assessments made in such report, or in any parts thereof, as may appear to the court to be just and equitable; but in no case shall it be competent to show that the lands assessed would not be benefited by the improvement; and when such hearing shall have been had, the County Court shall assess such apportionment so fixed by it upon the lands within such levee or drainage district. If the first assessment made by the court for the original cost of any improvement as provided in this Act is insufficient, the court may make an additional assessment in the same ratio as the first.

Additional  
assessment  
may be  
made.

If for any reason the court annuls in toto, or sets aside such report of the Commissioners, it shall order them to make a new report, or shall remove them and appoint new Commissioners to act as in the first instance if desired by the parties concerned.

New report  
may be  
ordered.

SEC. 12. *Be it further enacted*, That the assessments shall be levied upon the lands of the owners so benefited in the ratio aforesaid, and shall be collected in the same manner as taxes for county purposes, except as herein specially provided, and the funds so collected shall be kept as a separate fund, and shall be paid out only for purposes properly connected with such improvement, and on the order or warrant of the Judge or Chairman of the County Court.

Assessments—  
how  
collected.

SEC. 13. *Be it further enacted*, That an appeal may be taken to the Circuit Court of the County from the order of the County Court fixing the assessment of benefits upon the lands in the same manner and time as herein provided for appeals from the assessment of damages, including the provisions as to consoli-

Appeals.

dating cases, making transcript, etc., and certifying to the County Court the action and doings of the Circuit Court.

Counsel may  
be employed.

SEC. 14. *Be it further enacted*, That when any appeal is taken from any order of the County Court made in any proceedings before it under this Act, the County Court may employ counsel to represent the interests of the levee or drainage district affected by such appeal, on the trial thereof in the appellate courts, and the expense of such counsel shall be paid out of the drainage fund of such district.

Drainage  
record.

SEC. 15. *Be it further enacted*, That in any county where a levee or drainage district is sought to be established the County Court Clerk of such county shall provide a book to be known as the "Drainage Record," and to be paid for by the county, and said Clerk shall keep therein a full and complete record of all proceedings in each case arising under this Act, including all orders made by the County Court, and certified from the Circuit Court, and a copy of the original petition shall be enrolled in said Drainage Record, and all bonds required to be given.

Fees.

SEC. 16. *Be it further enacted*, That the fees of the County Clerk in proceedings under this Act shall be the same as for similar services now allowed by law, and in such case the County Court may allow said Clerk an additional sum for extra services, or services not covered by existing fee bills, or statutes, to be fixed by the court, and paid as other costs and expenses in the case or proceeding.

New appor-  
tionment  
made—when.

SEC. 17. *Be it further enacted*, That where any assessments made and levied under this Act cannot for any reason be enforced, and part of the work has been done, the County Court shall proceed as to any or all lands benefited by said improvement in the same manner as if the appraisement and apportionment of benefits had never been made, in which event any payments already made shall be duly credited to those who have paid the same.

Directors—  
qualifica-  
tions and  
terms.

SEC. 18. *Be it further enacted*, That after a drainage or levee district has been located and established as provided for by this Act, the County Court shall appoint two Directors of such district, said Directors to be owners of lands, or interested in lands, in such district, and at least one of those first appointed to be one of the petitioners for the establishment

of said district, or his successor in estate or interest, said Directors to hold their offices for two years from the date of appointment, and these two thus appointed and their successors, together with the Judge or Chairman of the County Court, shall constitute the Directors, or Board of Directors, of such district, and as such Directors they shall have the general control and management of the business affairs of such district and supervision of the same, and be vested with power and authority to make contracts, as provided by this Act, for all improvement to be done in said district.

Board of  
Directors.

If there should be a vacancy in the office of the Director appointed as aforesaid, because of death, resignation, or other reason, the County Court shall appoint another Director of like qualifications to fill such vacancy till the end of the two years' term, and for sufficient reason the County Court may remove a Director so appointed, but not till such Director has had at least five days' notice of the time of the hearing, and of the grounds on which he should be removed, as alleged, and he shall thus be entitled to be heard and to introduce proof upon the issue as to whether he should be so removed as a Director; and if, on the hearing, the decision of the County Court is that he be removed, he may appeal therefrom, on giving proper cost bond, to the Circuit Court of the county, where the matter shall be heard anew and such judgment given as that court deems just and proper. If a Director is removed, the County Court shall appoint another to serve the remainder of the two years' term, having like qualifications as to ownership of lands, etc., as herein provided.

Vacancies and  
removals for  
cause.

At the end of each two years' term the office of the two appointed Directors shall be again filled by appointment by the County Court from among those owning or interested in lands in such district. The Judge or Chairman of the County Court shall be Chairman of said Board of Directors, and said Board shall elect one of the other Directors Secretary and Treasurer of the Board, and as such Treasurer he shall give bond in the sum of twenty-five thousand dollars to faithfully account for all money coming into his hands as such Treasurer, said bond to be approved by the County Court and payable to

Organization.

Bond of  
Treasurer.

the county or State, for the use of such district, and shall be recorded in the Drainage Record.

Contracts may  
be made—  
when.

SEC. 19. *Be it further enacted*, That no contracts for improvements to be done in such drainage or levee district shall be made until after the Commissioners provided for by this Act have made their inspection, classification, and apportionment as directed in Section 11 hereof, nor until said question of classification and apportionment and assessment of benefits has been determined and settled by the court; but after the said Commissioners and the court have so acted, then such contracts may be made by the Board of Directors of the district. Before entering into any contract for improvements, the Board of Directors of the improvement district shall

Notice for four  
weeks.

cause notice to be given once a week for four consecutive weeks in some newspaper published in the county wherein such improvement is located, and such additional publication elsewhere as they may direct of the time and place of letting the work of construction of said improvement, and in such notice they shall specify the approximate amount of work to be done in each section, and the time fixed for the commencement and completion thereof, and they shall award contract or contracts for each section of the work to the lowest responsible bidder or bidders therefor, or they may award the contract as a whole to the lowest responsible bidder, exercising their own discretion as to letting said work as a whole or in sections, and reserving the right to reject any and all bids and readvertise the letting of the work.

Deposits from  
bidder.

Each person bidding for such work shall deposit with the Treasurer of the Board of Directors in cash or certified check a sum equal to ten per centum of the amount of the bid, not in any event, however, to exceed ten thousand dollars, said deposit to be returned to him if his bid is not successful; and, if successful, to be retained as a guarantee only of his good faith in entering on said contract.

Bond of  
contractor.

The successful bidder shall be required to execute a bond, with sufficient sureties, payable to the county, for the use and benefit of the drainage or levee district, in an amount equal to twenty-five per centum of the estimated cost of the work so let, or he may deposit such amount in cash with the Treas-

urer of the Board of Directors as security for the performance of his contract, and upon the execution of such bond or the making of such deposit, the deposit originally made with his bid shall be returned to him.

SEC. 20. *Be it further enacted*, That the said Board of Directors shall employ a competent engineer to take charge and supervision of the construction of such improvement work, contracting with him for compensation for his services in such sum or at such rate as may be agreed upon, and to be paid as other expenses of such district. The Directors may remove such engineer and contract with another, if they see fit for any reason.

Engineer to be employed.

Removal for cause.

The engineer in charge of the construction shall furnish the contractor monthly estimates of the amount of work done on each section, and upon filing the same with the County Court Clerk, the Judge or Chairman of the County Court shall draw a warrant in favor of such contractor for eighty per centum of the value of the work done according to the estimate; and when said work is completed to the satisfaction of the Board of Directors and said engineer, and so certified by him and said Board, and such certificate is filed with the County Clerk, then the Judge or Chairman shall draw a warrant in favor of the contractor for the balance due. All such warrants shall be drawn upon the County Trustee or Treasurer as ordinary county warrants are drawn, but shall be payable only out of the fund provided for such drainage or levee district, and shall so state upon their face. The Board of Directors shall require such engineer to give bond in such sum as they may deem proper for the faithful performance of his duties, such bond to be payable to the county or State, for the use of such improvement district, and filed with the County Clerk and recorded in the Drainage Record.

Monthly estimates of work done.

Warrants—how paid.

SEC. 21. *Be it further enacted*, That whenever any railroad or public highway will be beneficially affected by the construction of any improvement or improvements in such district established hereunder, it shall be the duty of the Commissioners appointed to classify and assess benefits to determine and return in their report the amount of the benefit to such railroad or highway, and notice shall be served as

Assessments against railroads.

to such railroad upon its nearest station agent, as provided in case of an individual property owner; and as to such highway, notice shall be served upon the Judge or Chairman of the County Court, as in case of an individual property owner; and when such special assessments have been approved and fixed by the County Court, as hereinbefore provided, as to such railroad, it shall be a debt due personally from the railroad company, and, unless the same is paid

**How enforced.** by the railroad company as special assessment, it may be collected in the name of the county in any court having jurisdiction; and as to a highway, such assessment shall be paid by the county out of the general county fund or highway tax fund, such assessments to be paid into the fund of such drainage, levee, or improvement district.

**Bridges.** SEC. 22. *Be it further enacted*, That whenever the making of such improvement across a public highway necessitates the building of a bridge over the same, the county shall build and construct the same and pay all cost thereof out of the county bridge fund, if such fund be provided, and, if not, out of the general county fund.

**Rights of land-owners assessed.** SEC. 23. *Be it further enacted*, That the owner of any land or lot that has been assessed for the payment of the cost of the location and construction of any ditch, drain, or water course, as hereinbefore provided, shall have the right to use the ditch, drain, or water course as an outlet for lateral drains from said land or lot.

**Assessment—how collected.** SEC. 24. *Be it further enacted*, That the assessments as provided for by this Act shall be collected by the County Trustee as county taxes are collected, except as herein provided, and the funds so collected shall be kept as a separate fund, and shall be paid out only for purposes properly connected with such improvement on the order or warrant of the County Judge or Chairman; but such assessments may be collected by bill filed in Chancery, as hereinbelow provided, and no personal property of the owner of land so assessed shall be liable or distrained upon for such assessment, but the land so assessed only shall be liable for such assessment.

**Character of work—how determined.** SEC. 25. *Be it further enacted*, That the improvement in the drainage districts herein provided for may consist solely, if so desired by those concerned,



in the changing in whole or in part of the course or channel of a natural water course, or in straightening, as far as practicable, such water course and cleaning out so much of its natural channel as it is desired to utilize; or the improvement in such drainage district may, in addition to the main ditch, or drain, or channel, include such other lateral and other ditches and levees as may be deemed proper or necessary.

SEC. 26. *Be it further enacted*, That any person owning lands within any drainage district who desires to establish a subdistrict within the limits of the original district for the purpose of securing more complete drainage may file his petition with the County Clerk, asking the County Court to establish such subdistrict, and describing the lands to be affected thereby so as to convey an intelligible description of such lands; and the bond and all other proceedings shall be the same as herein provided for the establishment, formation, and construction of original districts and improvements thereof, including the assessment of damages and assessment of benefits; and when established and constructed, it shall be and become a part of the drainage system of such drainage district, and be under the control and supervision of the Board of Directors of such drainage district; *provided, however*, such subdistrict shall only be established when conducive to the public health or welfare, or to the public benefit or utility; and, *provided, further*, that any special assessments made for the benefit of such subdistrict shall be secondary in lien and in right to the assessments for the benefit of the original district.

Subdistricts  
may be  
established.

SEC. 27. *Be it further enacted*, That if the County Court shall determine that the estimated cost of reclamation and improvement of such district of land or levee or drainage district is greater than should be levied in a single year upon the lands benefited, the court may fix the amount that shall be levied and collected each year, and may issue drainage bonds of the county, bearing not more than six per centum annual interest, said interest payable annually, and may devote such bonds at par, with accrued interest, to the payment of the expenses and work as it progresses, or may sell the same at not less than par, with accrued interest, and devote the proceeds to

Drainage  
bonds may  
be issued.

Proceeds of  
issue.

New appor-  
tionment and  
additional  
bonds may  
be issued.

Duties of  
Clerk and  
Trustee.

Terms of  
bonds.

How signed.

For what  
district  
issued.

How payable.

such payment; and if, in the sale of said bonds, a premium is received, such premium shall be credited to the drainage fund; and should the cost of such work exceed the estimate, a new apportionment of the assessment may be made and levied and other bonds issued and sold in like manner, but in no case shall the bonds run longer than twenty years. Any property owner may pay the full amount of the benefit assessed against his property before such bonds are issued and receive a receipt in full therefor. Such payment shall be made to the County Trustee, and it shall be the duty of the County Clerk to certify to the Trustee the amount of any such assessment when requested to do so, and the Trustee shall enter the same upon the assessment lists in his hands in a separate place provided therefor, and shall furnish the County Clerk with duplicate receipts given for all assessments so paid in full, one of which the Clerk shall deliver to the Judge or Chairman of the County Court, and the Trustee shall also give a receipt to the property owner so paying in full.

The terms and times of payment of the bonds so issued shall be fixed by the Board of Directors of the improvement district, and such bonds shall be signed by the Judge or Chairman of the County Court and countersigned by the Clerk of the County Court, each of said officers signing his name officially, and shall be verified either by the county seal or seal of the County Court Clerk. Said bonds shall be issued for the benefit of the district numbered thereon, and each district shall be numbered by the County Court and recorded by the County Clerk in the Drainage Record, said record showing specifically the lands embraced in said district and upon which the assessment has not been previously paid in full.

Each bond shall show expressly upon its face that it is to be paid only by assessments levied and collected on the lands within the district so designated and numbered, and for the benefit of which district such bond is issued; nor shall any assessment be levied or collected for the payment of said bond or bonds, or the interest thereon, on any property, real or personal, outside the district so numbered, designated, and benefited. Such bonds shall be in denominations of not less than fifty dollars; and when

such district lies in more than one county, the County Court of each county shall so determine whether bonds shall be issued to meet the expenses, etc., of the improvement so far as the lands of the district lie in that county; and if so issued, the bonds shall be signed by the Judge or Chairman of the County Court of such county, and countersigned by the County Court Clerk, and verified by the county seal or seal of the County Clerk, and shall be payable only out of the assessments levied for such improvement on the lands in such county, as provided hereby when such district is wholly in one county.

Denominations.

SEC. 28. *Be it further enacted*, That if the Board of Directors of any improvement district provided for by this Act deems best instead of issuing bonds, they may direct that warrants shall be issued or drawn on such district, or on the County Trustee, by the Judge or Chairman of the County Court, to be paid out of the funds of such district only, and at such times as the assessments may be due, or as may be due, or as may be deemed best, the time of the maturity of assessments as fixed being considered, such warrants to be issued or drawn for all lawful demands on such district, and to bear interest at not more than six per centum per annum.

Warrants may be issued—when.

SEC. 29. *Be it further enacted*, That where a proposed or desired improvement will require a location in more than one county, applications by petition shall be made to the County Court of each of said counties as provided by this Act for applications where the improvement to be made lies wholly in one county, and signed by one or more persons owning lands lying in each county to be affected, or assessed for the proposed improvement; and when such petitions have been filed, the County Court of the county in which the larger or largest per centum of the lands to be affected by such improvement lies shall appoint a competent engineer to make survey, etc., of such proposed improvement district in the same manner as when the proposed improvement lies wholly in one county, and such engineer shall proceed in the same manner as when the improvement lies wholly in one county, and said engineer shall make out duplicate reports of his survey and work and file one with each of the County Court Clerks in the counties where the petitions for such improve-

When district is in more than one county.

Duplicate reports of engineer.

Proceedings.

Viewers.

ment is filed; and after such reports of the engineer are so filed, the County Court of each of said counties shall proceed as herein provided for improvement districts located wholly in one county till the point in the proceeding is reached when viewers are to be appointed to assess damages, as provided by this Act; and as to such viewers, the County Court of the county in which the larger or largest per centum of the lands to be affected or assessed on account of such improvement is located, or lies, shall appoint two viewers, and one of such viewers shall be appointed by the County Court of each of the other counties concerned, if more than one other county; and if only one other, by the County Court of such county, said viewers to have the same qualifications, etc., as hereinbefore provided for viewers. When so appointed, the viewers shall meet as soon as practicable at some convenient point to be designated by the Clerk of the County Court of the county, the court of which appoints two of the viewers, and shall then proceed to assess damages, etc., as hereinbefore provided for districts lying in one county only, said engineer rendering them like assistance, as hereinbefore provided; and when their work is completed, the viewers shall make out one copy of their report for each of said counties, signing same, and shall file a copy of such report with each of the County Court Clerks of the counties where such petitions have been filed for the establishment of such improvement or district.

Commissioners.

SEC. 30. *Be it further enacted*, That when the viewers have so reported, each of said County Courts shall proceed as herein provided in other cases till the point is reached to appoint Commissioners to make assessments and apportion the same as to the lands affected, when the County Court of the county in which the larger or largest per centum of the land lies to be assessed or affected, shall appoint two of said Commissioners, one of these appointees to be a competent engineer, and the other County Court, or Courts, shall appoint one of said Commissioners each, the Commissioners so appointed to have the same qualifications as hereinbefore provided; and when so appointed, they shall, as soon as practicable, meet at some convenient place to be designated by the County Court Clerk of the county,

the court of which has appointed two of the Commissioners, one being an engineer, and shall then proceed to assess the lands in such district, and apportion the assessments in the same manner as herein provided where such district lies wholly in one county, and shall report in like manner, and shall file a copy of their report with the Clerks of the County Courts in each county having lands within such improvement district; and when such Commissioners have so reported, each of said County Courts shall proceed as to said reports and in levying assessments, etc., as provided by this Act, in cases of districts lying in one county only.

Sec. 31. *Be it further enacted*, That in cases of levee or drainage districts so lying in more than one county, the Board of Directors of such district shall consist of one member from each county, to be appointed by the County Court of such county, and the Judge or Chairman of the County Courts of each of said counties shall be members of such Board of Directors, and the qualifications, powers, and duties of such Board of Directors shall be the same as provided by this Act for Boards of Directors and members thereof in improvement districts lying entirely in one county. The County Courts of the respective counties shall have the same right to remove the viewers, Commissioners, and Directors appointed by such court, and to appoint others in their stead, and to fill vacancies that the County Courts have, as provided by this Act, where such improvement district lies wholly in one county. The Judge or Chairman of the County Court of the county in which the larger or largest per centum of the lands of such improvement district lies shall be Chairman of such Board of Directors, with authority to call meetings of the Board; and said Board shall elect one of the appointed Directors Secretary and Treasurer of the Board of Directors, and such Treasurer shall give bond, etc., as provided by this Act, such bond or a duplicate of same to be filed with the County Clerk in each of the counties and recorded in the Drainage Record, said bond to be taken before and approved by the County Court of the county in which the larger or largest per centum of the lands of the district lies.

Board of  
Directors.

Organisation.

Bond of  
Treasurer.

Sec. 32. *Be it further enacted*, That the assess-

Google

Drainage assessment book.

ments provided for by this Act, and to be collected for the purposes herein provided, shall be entered upon a book to be provided by the County Court Clerk, at the expense of the county, for this purpose, in a similar manner to that in which taxes are entered upon the tax books, such books showing the tracts of lands, amounts of assessments, etc., and such book, when so made out, shall be furnished to the County Trustee for collection of assessments so levied. Said book shall be called "Drainage Assessment Book," and shall be made out by the County Court Clerk of the county in which the particular assessment is levied, and said book may be made out but once, if practicable, for the entire assessment for the particular improvement project; but if not practicable, then a new drainage assessment book may be made out for a shorter period, or for each year, and furnished the County Trustee; and the assessments levied under the provisions of this Act shall become due and payable and delinquent at the same time State and county taxes become due and delinquent, and such assessments shall bear interest at the legal rate after they become delinquent.

Assessments become liens upon lands.

SEC. 33. *Be it further enacted*, That the assessments provided for by this Act, when made and levied, shall be and become valid liens upon such lands so assessed just as State and county taxes are liens upon lands; and when such assessments have been due and delinquent for sixty days, bills may be filed in the Chancery Court of the county, or Chancery District, in which the lands lie, upon which such assessments are due and delinquent, for the collection thereof out of such lands by a sale thereof in all cases, except in cases where the assessment is made against a railroad company or a public highway, as herein provided for. Such bills in Chancery shall be filed in the name of the county in which the lands are situated for the use of the improvement district for the benefit of which the assessments were made, and against the owners, if known and, if unknown, against them as such; and the owners of all lands upon which such assessments are delinquent may be made defendants to the same bill as parties thereto. When it is desired by the Board of Directors, or other interested party entitled to sue, to file such bill, the County Trustee, upon re-

Delinquent lists.

quest, shall make out a statement or list, showing all the lands upon which such assessments are so delinquent, and the names of the owners thereof, as appears upon the Drainage Assessment Book or showing any tract or tracts assessed to unknown owners, if such be the case, and certify as Trustee to the correctness of such statement or list as the same appears upon said book, and in such Chancery suit such certified statement or list shall be prima facie proof of the facts so certified to and that such assessments are delinquent and sufficient proof to authorize a decree of sale in the absence of rebutting proof of the facts shown by such certified statement. Such suits in Chancery shall be proceeded with as other suits are in said court, except that the court may hear the case as to any one or more of the defendants, whether ready to be heard as to other defendants or not, and so proceed to sale and final decree as to any one or more of the defendants, though the case be not disposed of as to other defendants. When a sale is ordered in such suit, and is made and reported, the Clerk and Master of such court so making the sale shall report what public taxes are a lien upon any tract so sold in favor of the State, county, or any municipality, and the court shall see that this is done, and any such taxes, if the sale be confirmed, shall be first paid out of the proceeds of such sale before such delinquent assessments are paid. Upon confirmation of such sale by the Chancery Court, it shall divest title out of the owner and vest it in the purchaser, and award a writ of possession if asked for; but where title is so vested in a purchaser the land so purchased shall still be subject, in the hands of the purchaser, his heirs, or assigns, to any other assessments not yet due, or unpaid, that may have been made and fixed or levied upon it at the time of such confirmation of sale, for the benefit of the improvement district on account of which such sale has been made. When any such sale is made by decree of the Chancery Court, it shall be made for cash, and the owners of lands so sold shall have two years from the date of the confirmation of such sale in which to redeem the same by paying to the Clerk and Master of such court making the sale the amount paid by the purchaser for said land, with legal interest thereon, to

Prima facie evidence.

Assessment liens—how enforced.

Sale of lands may be ordered.

Writ of possession may be given purchaser.

Time and terms of redemption.

Attorney's  
fees.

Decree of  
redemption  
may be had.

Exceptions.

Distress  
warrants  
may be  
issued.

Petitions may  
be signed by  
attorney or  
agent of  
petitioner.

Salaries and  
expenses.

the date of redemption, and also a further sum equal to ten per centum of the amount so paid by the purchaser for said land. In such proceedings in Chancery Court the attorney or solicitor employed and attending to the suit shall be allowed as a fee ten per centum of the amount found due as an assessment or assessments on each tract of land decreed sold, the same to be charged up in the decree as part of the judgment for which the land is to be sold; and when such lands are redeemed, as herein provided, and this fact is made satisfactorily to appear to the Chancery Court, the court shall enter a decree in the cause, adjudging the land so redeemed and declaring it to be the property of the owner so redeeming, or if his heirs or assigns, if redeemed by his heirs or assigns; and if necessary may award a writ of possession to put the person so redeeming in possession of the land.

*Provided, however,* that infants and persons who are lunatics or of unsound mind shall have the further period of one year after the removal of such disability in which to redeem their lands sold under the provisions of this section and this Act, under like terms as to amounts to be paid, in redemption, as above provided.

SEC. 34. *Be it further enacted,* That the assessments provided for by this Act shall, if not paid by the owners of the land assessed, be collected only out of the land so assessed for improvement purposes, and shall not be collected, by distress warrant or otherwise, out of any other property, real or personal, of the owners of the land so assessed under the provisions of this Act.

SEC. 35. *Be it further enacted,* That it shall be a sufficient signing, in the sense of this Act, of the names of petitioners to the petitions herein provided for, if their names are signed by their attorney at law or by an agent authorized so to do.

SEC. 36. *Be it further enacted,* That engineers employed by Boards of Directors of improvement districts to supervise the work, etc., shall be paid for their services such salary or sums as may be agreed upon between them and such Boards of Directors; that engineers appointed hereunder by the County Courts shall be paid for their services at such rates as the courts appointing them may fix, and, if not so



fixed, at the rate of five dollars per day while engaged in the work, and, in addition, all actual traveling expenses, an itemized account of such expenses to be kept by them and reported and sworn to; that the viewers and Commissioners provided for by this Act shall be paid at the rate of three dollars per day while engaged in the work, and, in addition, all actual expenses, including board paid for, itemized accounts for the same being reported and sworn to; and that other necessary help aiding the engineers, viewers, or Commissioners—such as chain carriers, axmen, etc.—shall be paid not more than two dollars per day.

For collecting and paying out assessments under this Act, the County Trustee shall receive the same compensation he receives for collecting public taxes; and for any certified statements furnished by him, the same fees per one hundred words as are allowed Clerks of courts for certified copies of records; and if there be any services required of any person under the provisions of this Act, and the rate of pay therefor is not provided for hereby, then the County Courts shall fix the amount, or rate, of pay in such cases; *provided, however*, that the members of the Boards of Directors shall not be entitled to receive any pay for their services, but only be reimbursed or paid their actual expenses incurred on account of attending to their duties as Directors, an account of the same to be kept, made out, and sworn to by each.

Compensation  
of Trustee  
and Clerks.

Expenses of  
Directors.

SEC. 37. *Be it further enacted*, That if any person to whom the work, or any portion of the work, in such improvement district has been let shall fail to perform the same according to the terms specified in his contract, then the cash deposited by him shall be forfeited for the benefit of such district and be paid into its fund; or if bond has been given by such contracting party so failing, then recovery of the damages sustained may be had by suit in the name of the payee in such bond for the use of such district, and such damage on judgment therefor collected and paid into the fund of such district.

Contractors to  
forfeit  
deposits—  
when.

SEC. 38. *Be it further enacted*, That the owners of land which require combined drainage may provide for the establishment of a drainage district, or location and construction of drains, ditches, and wa-

Mutual agree-  
ment districts  
may be  
established.

ter courses upon their own lands by mutual agreement in writing duly signed, acknowledged, and filed with the County Clerk. Such agreement may include the location, the character or work to be done, the adjustment of the damages, the classification of the lands to be benefited thereby, the amount of special assessments to be levied, when the same shall be levied, or so many of these or other provisions as may be agreed upon, and to such extent shall be as valid and binding as though performed in the mode and manner provided for in this Act. Upon the filing of the agreement with the County Court Clerk, the County Court shall establish such drainage district and locate the ditch, drain, or water course provided for in said mutual agreement according to the terms thereof, and shall thereafter have full and complete jurisdiction of the parties and subject-matter, and order such procedure under the provisions of this Act as may be required or necessary to carry out the object, purpose, and intent of such agreement, and to complete and construct the desired improvement, and shall retain jurisdiction of the same as fully as in other cases made and provided for in this Act.

Preliminary  
expenses—  
how paid.

SEC. 39. *Be it further enacted*, That the preliminary expenses of such levee or drainage district, ditch, drain, or water-course improvement provided for by this Act (not including contracts for construction) may be paid by order of the Quarterly County Court of the county in which the lands lie of such improvement district out of the general county fund, the same, if so paid, to be refunded to the county out of assessments collected from the lands of such improvement district when so collected; and if not so repaid, for any reason, then to be adjudged against and collected out of the bond of the petitioners required by this Act, and thus repaid to the county. If the Quarterly County Court should not see fit to order such preliminary expenses so paid, and the parties to whom such expenses may be owing are not willing to agree to wait till a fund for their payment can be provided by special assessments upon such district, then the County Court by proper order shall require the petitioner or petitioners to pay to the County Court Clerk a fund sufficient to pay such preliminary expenses, and the bond required of pe-

tioners by this Act shall be liable for such preliminary expenses, and judgment thereon may be rendered at any time by the County Court to the end such fund for expenses be provided, just as courts render judgments on cost bonds, and one such judgment shall not prevent other judgments on the same bond, so the sum of the judgments does not exceed the penalty of the bond; *provided, however*, such fund for expenses may be paid in from time to time, under the orders of the court, as the same may be needed; and, *provided, further*, that all sums so paid by the petitioners or their sureties on their bonds shall be refunded and repaid to the person or persons so paying the same out of the funds of such improvement district when such funds have been realized under the provisions of this Act.

SEC. 40. *Be it further enacted*, That this Act is not intended to apply to Reelfoot Lake and the waters thereof, or to authorize the draining of same, and this Act shall not be construed to in any way authorize the draining of said lake.

This act not to  
apply to  
Reelfoot  
Lake.

SEC. 41. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 25, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 20, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

CHAPTER 186.

SENATE BILL No. 247.

(By Mr. Ward.)

AN ACT to be entitled An Act to amend an Act entitled "An Act to improve the public-school system of Tennessee by creating in each county a County Board of Education and District and Advisory Boards and prescribing their duties, and abolishing the office of District Directors," being Chapter 236 of the Acts of 1907.

Applies to  
Crockett  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 17 of Chapter 236 of the Acts of 1907 be, and the same is hereby, amended by adding immediately after line 23 of said section the following line, "Counties between 15,850 and 15,875."

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after July 1, 1909, the public welfare requiring it.

Passed April 22, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 24, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 187.

### SENATE BILL No. 439.

(By Mr. Cooper.)

**AN ACT** to prevent the running at large of live stock in counties having a population of not less than 18,550 nor more than 18,600 according to the Federal census of 1900 or any subsequent Federal census.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for live stock of any kind to run at large in counties of the State of Tennessee having a population of not less than 18,550 nor more than 18,600 by the Federal census of 1900 or any subsequent Federal census.

Applies to  
Jefferson and  
Monroe  
Counties.

**SEC. 2.** *Be it further enacted,* That any person who willfully or knowingly permits such stock to run at large in said counties is hereby declared to be guilty of a misdemeanor, and shall be fined for each offense not less than two dollars nor more than ten dollars, said fines to go to the school funds of said county in which the offense is committed.

**SEC. 3.** *Be it further enacted,* That damage done by live stock running at large in any of said counties shall be, and is hereby, constituted a lien upon such trespassing stock, to be enforced as other liens by judgment at law and execution or by attachment.

**SEC. 4.** *Be it further enacted,* That the owner or agent in control of such land upon which such live stock is found running at large shall have the right to take up said live stock and confine them, giving them good keep, and for which shall be entitled to a reasonable compensation, which shall be a lien on said live stock, to be enforced as provided in Section 3 of this Act.

**SEC. 5.** *Be it further enacted,* That nothing in this Act shall relieve railroad companies in any way from damages by killing or damaging stock, and said railroad companies shall be liable under this Act for all damages done to stock as before the passage of this Act.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 24, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

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## CHAPTER 188.

### HOUSE BILL No. 530.

(By Mr. Stout.)

AN ACT to authorize incorporated cities and towns of this State having a population of not less than three hundred nor more than four hundred inhabitants, and which are or may be engaged in furnishing water to its inhabitants, or which have or may have contracts with its inhabitants to furnish them with water, or water companies organized or which may hereafter be organized under the laws of this State, and which have or may have contracts with any such city or town or the inhabitants thereof to furnish such cities or towns or the inhabitants thereof with water, to condemn springs, running streams, or other water courses, and the water thereof for the use of such towns or its inhabitants, and to condemn all necessary rights of way for pipe lines from any such spring, running stream, or other water course to a suitable pumping station or to its reservoirs or to the corporate limits of such city or town; to provide just compensation for such springs, water, and rights of way so condemned; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all incorporated cities and towns in this State having a population of not less than three hundred nor more than four hundred inhabitants by the Federal census of 1900 or any subsequent Federal census which may be engaged in furnishing water to their inhabitants, or which may have or may hereafter have contracts with their inhabitants to furnish them water, and

also all water companies organized and incorporated or that may hereafter be organized and incorporated under the laws of the State of Tennessee, which may be furnishing water to the inhabitants of any such city or town, or which may have or hereafter make contracts with any such city or town or the inhabitants thereof to furnish water to such city or town or to the inhabitants thereof, shall have the power and right to condemn any spring, running streams, or other water course and the water thereof, or such portion of same as may be necessary to use in supplying any such city or town or the inhabitants thereof with water, and shall also have the power and right to condemn a right of way for the laying of any and all such pipes as may be necessary in piping such water from any such spring, running stream, or other water course to a suitable pumping station, reservoir, or to the corporate limits of such town.

Power of condemnation.

SEC. 2. *Be it further enacted*, That just compensation shall be made by any such city or town or water company exercising the right of eminent domain under the power and authority conferred under the provisions of Section 1 of this Act to the owners of such spring, running stream, or other water courses for the water thus taken, and to all riparian owners for damages resulting to them from taking such water, and to the owners of the land taken for rights of way for pipe lines for the value of such rights of way and from the damages resulting to them for such taking.

SEC. 3. *Be it further enacted*, That in the event any such city or town or water company desiring to exercise the rights of eminent domain herein by this Act conferred is unable to agree with the owner or owners of any such spring, running stream, or other water course, or with any such riparian owner or owners, or with the owner or owners of any such land necessary for rights of way for pipe lines as to the amount of compensation that shall be paid, as herein provided, the proceedings for condemning such springs, running streams, or other water courses or such riparian rights or such right of way for pipe lines and for fixing said compensation shall be the same in all respects as is provided in the Code of Tennessee from Section 1326 to Section 1348, in-

clusive, being Sections 1845 to 1867, inclusive, of Shannon's Compilation of the Laws of Tennessee, and also as provided by any and all other general laws of the State of Tennessee, which have been or which may be hereafter enacted governing the exercise of the rights of eminent domain.

The provisions of this Act shall apply to towns having a population of three hundred to four hundred inhabitants by the Federal census of 1900 which are now incorporated, whether incorporated at the time said census was taken or since said Federal census of 1900.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 6, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 189.

### HOUSE BILL No. 489.

(By Messrs. Leech and Whitfield.)

AN ACT to amend Chapter 601 of the Acts of 1907, entitled "An Act to incorporate the city of Clarksville, Tenn., and the inhabitants thereof, and to define the corporate limits and powers of said city, and to vest in it certain property and charge it with certain indebtedness and liabilities," so as to change the time of the election of officers of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 3 of Chapter 601 of the Acts of 1907, the title of which is set out in the caption of this Act, be, and the same is hereby, amended by striking out, in lines six and seven of said section, the words, "on the second Saturday after the first Monday in December, 1908," and inserting in lieu thereof, "first Tuesday in December, 1910," so that the election of officers for said city shall hereafter be held on the first Tuesday in December, 1910, and every two years thereafter.

Date of  
election  
changed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect on and after its passage, the public welfare requiring it.

Passed April 21, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

Approved April 23, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

## CHAPTER 190.

### HOUSE BILL No. 449.

(By Messrs. Harper and McWhirter.)

**AN ACT** to create a Special School District in the Ninth Civil District of Weakley County, Tenn., embracing the city of Greenfield, and to provide rules and regulations relating to the operation of the schools therein.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That a Special School District embracing the city of Greenfield, Tenn., be, and the same is hereby, created in the Ninth Civil District of Weakley County, Tenn., and the territory included in said Special School District shall be the same as the territory included within the corporate limits of the city of Greenfield, Tenn.; and it is *further provided* that whenever in the future the city of Greenfield may be enlarged by proceedings under the general laws of the land providing for the enlargement of the boundaries of municipal corporations, the Mayor and Aldermen of the city of Greenfield are hereby given the power to enlarge the boundaries of said Special School District herein created so as to coincide with the boundaries of said city of Greenfield after such enlargement.

**SEC. 2.** *Be it further enacted,* That the County Trustee of Weakley County be, and he is hereby, required to pay over to the Treasurer of the said city of Greenfield the school funds arising from all taxes collected by him on the property, polls, and privileges within the corporate limits of the city of Greenfield, to be used for school purposes as herein provided; and the County Trustee is further required to pay over to the Treasurer of the city of Greenfield the pro rata of all State funds for school purposes now in his hands or that may hereafter come into his hands according to the scholastic population of said Special School District herein created.

**SEC. 3.** *Be it further enacted,* That the Board of Mayor and Aldermen of the city of Greenfield shall have the right to levy and collect from year to year

Special tax  
levy.

a tax to supplement the amount of the funds that the district shall be entitled to from the Trustee of Weakley County for the purpose of extending the term of the school and for such other purposes as the interest of the school may demand.

SEC. 4. *Be it further enacted*, That the schools in the district created by this Act shall be controlled and operated by a commission composed of six members, who shall be designated as the "Board of Education of the City of Greenfield," and who shall be elected by the people of said Special School District for three years, and shall hold their offices until their successors are elected and qualified. Immediately after the first election, the members of the Board of Education shall be divided into three classes. The terms of the members of the first class shall expire at the end of the first year; of the second class, at the end of the second year; of the third class, at the end of the third year, so that one third may be chosen every year; and if vacancies occur, the Board of Mayor and Aldermen may make temporary appointments until the next regular election. The times, places, and manner of holding elections for members of the Board of Education and their division into classes shall be prescribed by ordinance of the Board of Mayor and Aldermen of the city of Greenfield.

Board of  
Education.

SEC. 5. *Be it further enacted*, That the Board of Education of said district, as soon as practicable after coming into office, shall furnish to the Trustee of Weakley County an enumeration of the children of school age within said district, and the Trustee of Weakley County upon said enumeration shall disburse the funds belonging to said district upon the order of said Board of Education.

To furnish list.

SEC. 6. *Be it further enacted*, That all public-school property situated within the limits of the district hereby and herein created shall be and become the property of such said Special School District, to be used and held by it as other free-school property.

SEC. 7. *Be it further enacted*, That this district shall be known as the "Greenfield School District."

SEC. 8. *Be it further enacted*, That all laws in conflict with the provisions of this Act are hereby repealed.

SEC. 9. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed March 6, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 191.

### HOUSE BILL No. 240.

(By Mr. Helm.)

AN ACT to be entitled "An Act to amend the charter of Jefferson City, Jefferson County, Tenn., as embodied in Chapter 393, Acts of 1901 of the General Assembly of the State of Tennessee, and Chapter 524, Acts of 1907 of said General Assembly."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of Jefferson City, Tenn., as embodied in Chapter 393, Acts of 1901, and Chapter 524, Acts of 1907 of the published Acts of the General Assembly of the State of Tennessee, the former being entitled "An Act to incorporate the town of Mossy Creek under the corporate name of Jefferson City; and to provide for the organization, powers, and government thereof; and to provide for the election of a Justice of the Peace of said city," the latter being an Act entitled "An Act to amend the charter of Jefferson City, Jefferson County, Tenn., as embodied in Chapter 393, Acts of 1901, and Chapter 524 of the Acts of 1907 of the General Assembly of the State of Tennessee."

SEC. 2. *Be it further enacted*, That Section 6, Chapter 524, Acts of 1907, be, and the same is hereby, amended so as to read as follows: "That the Board of Mayor and Aldermen are hereby prohibited from levying a higher tax than one hundred (100) cents on the one hundred dollars (\$100) of taxable property for all corporate purposes."

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 4. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed April 21, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

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## CHAPTER 192.

### HOUSE BILL No. 258.

(By Mr. Draper.)

AN ACT to be entitled An Act to regulate appeals to the Supreme Court and to the Court of Civil Appeals from the Chancery, Circuit, and County Courts of Tennessee, and to define the duties of said Supreme Court and Court of Civil Appeals in all cases where the appellant mistakes the court to which, under existing laws, he is entitled to appeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this Act all appeals taken from either the Chancery, Circuit, or County Courts of this State to the Supreme Court or to the Court of Civil Appeals, and in all cases where such appeals are now pending and undetermined in either of said courts, if the court to which any case is appealed shall be of opinion that the jurisdiction to try and determine same is not in said court and is in the other appellate court, it shall be the duty of said court, if it be the Court of Civil Appeals, to transfer said cause to the Supreme Court for trial, and said Supreme Court shall cause any such case so transferred to it to be entered upon its trial docket and try and dispose of same as though the appeal had been direct to the Supreme Court; and likewise, if the Supreme Court*

shall be of opinion that the jurisdiction to try and determine any such case which has been appealed to that court is with the court of Civil Appeals, it is made the duty of said court to transfer any such cause to the said Court of Civil Appeals for trial by the court, which court shall cause any such case to be entered upon its docket and try and dispose of the same in the same manner as though it had been appealed direct to that court, and no writ of error or other process shall be necessary to give the court to which any such cause has been transferred jurisdiction of either the parties or the subject-matter of litigation.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 193.

### HOUSE BILL No. 265.

(By Mr. Smith.)

AN ACT to abolish the charter of incorporation of Huntland, in the county of Franklin, State of Tennessee, and to repeal an Act passed April 6, 1907, entitled "An Act to incorporate the town of Huntland," being Chapter 340 of the General Assembly of the State of Tennessee of 1907.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of incorporation of Huntland, Franklin County, Tenn., be, and the same is hereby, abolished, and that an Act passed April 6, 1907, entitled "An Act to incorporate the town of Huntland," being Chapter 340 of the Acts of 1907, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM B. PATTERSON,  
*Governor.*



## CHAPTER 194.

### HOUSE BILL No. 275.

(By Mr. Cooper.)

AN ACT entitled An Act to amend Section 6 of an Act entitled An Act to provide for the construction and repairing and buying of turnpike, macadamized, and graded, graveled roads, passed March 23, 1883, and being Chapter 167 of the Acts of 1883, so as to fix the salary of the Secretary and Supervisor of the Turnpike Commission at two thousand dollars a year, payable monthly out of the turnpike fund, and the salary of the Commissioners at thirty dollars a month, each, payable out of the turnpike fund, on and after April 1, 1909, in counties of 150,000 inhabitants or over according to the Federal census of 1900 or any subsequent Federal census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 6 of the Act passed March 23, 1883, and approved March 27, 1883, and being Chapter 167 of the published Acts of the General Assembly for the year 1883, the caption to which is set out in the caption to this Act, be amended by adding to the end of said Section 6 thereof: "*Providing*, that in counties of over 150,000 inhabitants by the Federal census of 1900 or any subsequent Federal census that on and after April 1, 1909, the salary of the Secretary and Supervisor of said Turnpike Commission shall be two thousand dollars a year, payable monthly, and that on and after said date the salary of the Commissioners composing said Turnpike Commission shall be thirty dollars a month, each, said salaries to be paid out of the turnpike fund."

Applies to  
Shelby  
County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

Passed April 21, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 195.

### HOUSE BILL No. 276.

(By Mr. Cooper.)

AN ACT entitled An Act to facilitate the working of turnpikes with convicts and an outfit from the workhouse; to provide for the control and management of said convicts and outfit, and the employment and pay of the guards for the same, in counties of 150,000 inhabitants or over according to the Federal census of 1900 or any subsequent Federal census; and to repeal Chapter 219 of the published Acts of 1907, passed March 27, 1907, and approved April 1, 1907, the caption to which is "An Act to facilitate the working of turnpikes with convicts and an outfit from the workhouse, in counties of 150,000 inhabitants and over according to the Federal census of 1900 or any subsequent Federal census."

Applies to  
Shelby  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Board of Workhouse Commissioners in counties of 150,000 inhabitants or over according to the Federal census of 1900 or any subsequent Federal census shall furnish the Turnpike Superintendent of said counties with a gang of convicts of not less than forty nor more than seventy, with the proper outfits of carts, mules, tools, and guards with which to ditch and keep in repair the graveled turnpike roads of said counties.

SEC. 2. *Be it further enacted*, That said gang shall at all times be at the disposal of the Turnpike Superintendent for the purpose set out in Section 1 of this Act, but said gang shall be kept, controlled, and provided for by the Board of Workhouse Commissioners, who shall be responsible for their safe-keeping.

SEC. 3. *Be it further enacted*, That the guards for said gang of convicts shall be employed by the Superintendent of the Workhouse, but the salary for said guards shall be paid monthly out of the turnpike fund of said counties.

SEC. 4. *Be it further enacted*, That Chapter 219 of the published Acts of 1907, passed March 27, 1907, and approved April 1, 1907, the caption to which is set out in the caption to this Act, be, and the same hereby is, repealed.

**SEC. 5.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

Approved April 23, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

## CHAPTER 196.

### HOUSE BILL No. 119.

(By Davidson County Delegation.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished,' same being Chapter 114 of the Acts of the General Assembly of 1883, passed March 21, 1883, and approved March 27, 1883, by providing in such cities controlled by said Act for Stock Raiders and Assistant Stock Raiders, fixing their compensation and prescribing their tenure of office."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* Chapter 114 of the Acts of the General Assembly of the State of Tennessee for 1883, the same being the Act whose title is set forth in the caption of this Act, be, and the same is hereby, amended by providing as follows: "That in all of said cities controlled by said Chapter 114 of the Acts of 1883 there shall be at least two Stock Raiders and at least two Assistant Stock Raiders, whose duty it shall be to enforce all laws and ordinances prohibiting the straying of animals within the limits of said cities, and for this purpose the Stock Raiders and their assistants are hereby invested with police power. The compensation to be paid said Stock Raiders shall be each \$900 per annum, payable monthly, and the compensation paid the Assistant Stock Raiders shall be each \$780 per annum, payable monthly. Said Stock Raiders and their assistants shall be chosen and appointed by the Board of Public Works of said cities, and shall be removed by said Board, but only for cause and upon a trial and hearing, of which due notice shall be given to the Stock Raiders and their assistants when charges have been preferred against them; *provided, however,* that in all of said cities controlled by Chapter 114, where, at the date of the passage of this Act, the office of Stock Raiders exists and officers have been appointed to hold said office there, such officers shall continue to hold their office under the

terms and provisions of this Act, and shall be removed only for cause as hereinabove prescribed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 6, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 197.

### HOUSE BILL No. 358.

(By Mr. Stovall.)

AN ACT to prohibit the running at large of live stock in counties in Tennessee having a population of not less than 19,000 nor more than 19,100.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall hereafter be unlawful for live stock—such as cattle, horses, or mules, hogs, sheep, and goats—to be allowed by the owners or persons having the custody thereof to run at large in counties having a population of not less than 19,000 and not more than 19,100 by the Federal census of 1900 or any future Federal census; and any person negligently, willfully, or knowingly permitting such stock to run at large in said counties shall be, and is hereby, declared to be guilty of a misdemeanor and punishable as provided in Section 2 of this Act.

Applies to  
Smith  
County.

SEC. 2. *Be it further enacted*, That any violations of Section 1 of this Act shall be a misdemeanor and

punishable by a fine of not less than two dollars (\$2) nor more than five dollars (\$5).

SEC. 3. *Be it further enacted*, That any damage done by said live stock running at large in any of said county or counties shall be, and is hereby, constituted a lien upon said live stock, and can be collected as any other lien by writ or attachment.

SEC. 4. *Be it further enacted*, That any person or persons upon whose land such live stock shall be found running at large have the right to take up and confine them, giving same reasonably good feed and attention, and shall be entitled to a reasonable compensation for same, and shall have, and is hereby given, a lien upon said live stock for same.

SEC. 5. *Be it further enacted*, That nothing in this Act shall relieve railroad companies in any way from damage by killing or damaging stock, and said railroad companies shall be liable under this Act for all damages done to stock as before the passage of this Act.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 5, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

CHAPTER 198.

HOUSE BILL No. 49.

(By Mr. Carson.)

AN ACT to amend Chapter 268 of the Acts of the General Assembly of the State of Tennessee, session of 1907, the road law of Lauderdale County, State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said Section 8 be amended by striking out "eighteen years" where it occurs and insert instead thereof "twenty-one years."

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 199.

### HOUSE BILL No. 101.

(By Mr. Shaw.)

AN ACT to change the line between the First Civil District and the Third Civil District of Roane County, Tenn.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the district line between the First Civil District and the Third Civil District of Roane County, Tenn., be, and the same is hereby, so changed as to detach the boundary hereinafter described from the Third Civil District and attach the same to the First Civil District of said county—to wit: Commencing at a point on the west bank of the Big Emory River, on the line between the First and Third Civil Districts, and running thence down the west bank of said river with its several meanders to its confluence with the Clinch River; thence down and along the north bank of said Clinch River to the mouth of the Margrave Branch; thence up the Margrave and Goddard Branches to the line between the Goddard and Gambill lands; thence north along the line between the Goddard and Gambill lands to the First District line; thence east with the line between the First and Third Civil Districts to the point of beginning.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 6, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 200.

### HOUSE BILL No. 159.

(By Mr. Maples.)

AN ACT to amend an Act entitled "An Act to incorporate the town of Sevierville, in the county of Sevier, and the State of Tennessee, and to provide for the election of officers for said corporation; to prescribe their powers and duties, and for other duties," so as to increase, enlarge, and extend the powers, authority, jurisdiction, and duties of the Constable provided for in said Act, which Act is Chapter No. 291 of the Acts of the General Assembly of the State of Tennessee of 1901, the said Act being approved April 11, 1901.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 291 of the Acts of the General Assembly of the State of Tennessee of 1901 be, and the same are hereby, amended by adding to Section 7 of said Chapter the following: "That the Constable of said corporation is hereby clothed with all the powers and authorities and charged with all the duties and liabilities of a regular Constable of the civil districts of said county. He is authorized and empowered to execute all process and papers, civil and criminal, anywhere in Sevier County, Tenn., under the same rules and authority that any Constable of any civil district of said county can or may do."

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 201.

### HOUSE BILL No. 190.

(By Mr. Webb.)

AN ACT to authorize and empower the County Court of counties in this State having a population of not less than seventy thousand and not more than ninety thousand under the Federal census of 1900, or that may have that population under any subsequent Federal census, to provide, establish, and maintain separate places of confinement of female prisoners other than at the regular county workhouse.

Applies to  
Knox  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in counties of this State having a population of not less than seventy thousand and not more than ninety thousand under the Federal census of 1900, or that may have that population under any subsequent Federal census, the County Court of such counties be, and is hereby, authorized and empowered to create and establish, operate and maintain, a separate and permanent place of confinement of female prisoners other than at the regular county workhouse, and to this end the said court is hereby authorized and empowered to purchase and equip a place therefor in such manner as may be necessary, and to maintain the same at the expense of the county.

SEC. 2. *Be it further enacted*, That any and all such places so established for the keeping of female prisoners shall at all times be under the supervision and control of the said County Court, and said court is hereby authorized and empowered to make rules and regulations for the government and control thereof; to create and elect a Board of Commissioners of not more than five persons to act for the county in managing and controlling said prison; and to elect all officers, agents, guards, and other employees necessary to conduct the same; *provided, however*, that white and colored prisoners shall be kept separate at all times when not employed.

Commissioner.

SEC. 3. *Be it further enacted*, That in the event such separate place of confinement is established, as herein provided, all female prisoners of the coun-

ty shall be incarcerated therein, and shall be constantly kept employed at such labor as may be suited to their respective physical conditions, not more than eight hours per day, and the proceeds of their labor shall inure to the benefit of the county, and shall be used and disposed of in the same manner as the proceeds of any other convict labor in the county, and the costs and expenses of establishing and maintaining such prison shall be borne and paid out of the county treasury in the same manner that the regular workhouse expenses are now borne and paid.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed in so far as the same may be in conflict herewith, but no further nor otherwise.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 202.

### HOUSE BILL No. 204.

(By Mr. McLaughlin et al.)

AN ACT to be entitled "An Act to make it unlawful for any person, firm, or corporation to draw a check upon any other person, firm, or corporation where the drawer of such check has not had an account or credit with the person, firm, or corporation upon whom such check is drawn within a period of sixty days from the date of the drawing of such check."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it is hereby declared to be unlawful for any person, firm, or corporation to draw any check upon any other person, firm, or corporation where the drawer of such check has not had an account or credit with the person, firm, or corporation upon whom such check is drawn within a period of sixty days from the date of the drawing of such check; and for any person drawing any check upon any person, firm, or corporation knowing that there are not funds to meet the same and that the same will not be honored.

SEC. 2. *Be it further enacted*, That any person, firm, or corporation drawing a check upon any other person, firm, or corporation in violation of Section 1 of this Act, and the check is not paid by the bank or person on whom it is drawn, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars (\$100) nor more than two hundred and fifty dollars (\$250) and imprisoned for a period of not less than sixty days nor more than ninety days.

SEC. 3. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed April 20, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

Approved April 23, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

CHAPTER 203.

HOUSE BILL No. 298.

(By Mr. Brown.)

AN ACT to change the voting place in the Fourth Civil District of Greene County, Tenn.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the voting place in the Fourth Civil District of Greene County, Tenn., be changed from Phillips' Schoolhouse to Mohawk.*

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed March 6, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 204.

### HOUSE BILL No. 428.

(By Mr. Worley.)

AN ACT to authorize incorporated cities and towns of this State having a population of not less than five thousand nor more than twelve thousand five hundred inhabitants by the Federal census of 1900 or any subsequent Federal census which are or may be engaged in furnishing water to its or their inhabitants or others, or which have, or may have, contracts with its or their inhabitants or others to furnish them with water, or water companies organized, or which may hereafter be organized under the laws of this State, and which have or may have contracts with any such city or town or the inhabitants thereof to furnish such city or town or the inhabitants thereof with water, to exercise the right and power of eminent domain, and to condemn springs, running streams, or other water courses and the water thereof for the use of such city or town or the inhabitants thereof, and to condemn all grounds necessary for reservoirs, pumping stations, power plants, or other purposes connected therewith or incident thereto, and to condemn all necessary rights of way for pipe lines from any such springs, running streams, or other water courses to a suitable reservoir, pumping station, or other receptacle, either within or beyond the corporate limits of such city or town; to provide just compensation for such spring or springs, water, water courses, rights of way, ground for reservoir, pumping station, power plant, and other purposes so condemned; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all incorporated cities and towns of this State having a population of not less than five thousand nor more than twelve thousand five hundred inhabitants by the Federal census of 1900 or any subsequent Federal census which are or may be engaged in furnishing water to its or their inhabitants or others, or which have or may have contracts with its or their inhabitants or others to furnish them with water, and all water companies organized or which may hereafter be organized and incorporated under the laws of the State of Tennessee, and which have or may have a contract or contracts with any such city or town or the inhabitants thereof to furnish such cities or towns, or either or any of them, or the inhabitants thereof, with water shall have the right, power, and authority to exercise the right and power of eminent domain, and to

Power of  
condemna-  
tion.

condemn any spring or springs, running stream or running streams, or other water course or water courses, and the water thereof, or such part or parts or portion or portions of same as may be deemed necessary and proper to use in supplying any such city or town or the inhabitants thereof or others with water, and to condemn any and all ground, either within or beyond the corporate limits, necessary for rights of way, for a reservoir or reservoirs, pumping station or pumping stations, power plant or power plants, or other purposes connected with or incident to the use and operation of such waterworks system or systems and the supplying of water therefrom, and shall also have the right, power, and authority to condemn all necessary rights of way for a pipe line or pipe lines for the laying of any and all such pipes as may be necessary in conveying or piping water from any such spring, running stream, or other water course to a suitable reservoir, pumping station, or other receptacle, either within or beyond the corporate limits of such city or town.

SEC. 2. *Be it further enacted*; That just compensation shall be made by any such city or town or water company exercising the right, power, or authority of eminent domain in any of the particulars herein conferred, and condemning springs, water, water rights, running streams, or other water courses, and condemning ground for reservoirs, pumping stations, power plants, rights of way, or for any and all other and further uses and purposes connected with or incident to the use and operation of such waterworks system or systems under the power and authority conferred under the provisions of Section 1 of this Act to the owner or owners of such spring or springs, water, water rights, running streams, or other water courses for the water thus taken and appropriated, including also the damages resulting to them or either of them from the taking and appropriating of such water or water rights, and to the owner or owners of the land taken for reservoir or reservoirs, pumping station or pumping stations, power plant or power plants, rights of way for a pipe line or pipe lines, or other purposes connected with or incident to the use and operation of such waterworks system or systems and the supplying of water therefrom, the value of the



land or ground and rights of way so taken and appropriated, together with the damages resulting to them or either of them from such taking.

SEC. 3. *Be it further enacted*, That in the event any such city or town or water company desiring to exercise the right of eminent domain, and to condemn any spring, water, water rights, water courses, land for reservoir, pumping station, power plant, rights of way for pipe line, or other purposes connected with or incident to the use and operation of such waterworks system or systems, and the supplying of water therefrom, under and by virtue of the power and authority conferred by the provisions of this Act, is, or shall be, unable to agree with the owner or owners of any such spring, water, water rights, running stream, or other water courses, or with any such riparian owner or owners, or with the owner or owners of any such land or ground necessary for reservoir, pumping station, power plant, rights of way for a pipe line or pipe lines, or other purposes connected with or incident to the use and operation of such waterworks system or systems, or the supplying of water therefrom, as to the amount of compensation that shall be paid, as herein provided, then such compensation shall be fixed and determined by law and by proper condemnation or other legal proceedings; and in order to fix, ascertain, and determine the compensation to be paid, the proceedings for condemning such spring or springs, water, water rights, running stream or running streams, or other water course or water courses, land, or ground for reservoir or reservoirs, pumping station or pumping stations, power plant or power plants, rights of way for a pipe line or pipe lines, or other purposes connected with or incident to the use and operation of such waterworks system or systems, or the supplying of water therefrom, shall be the same in all respects as is provided in the Code of Tennessee from Section 1325 to Section 1348, both inclusive, being Sections 1549 to 1572, both inclusive, of Milliken and Vertrees' Code of Tennessee, and Sections 1844 to 1867, both inclusive, of Shannon's Compilation of the laws of Tennessee, and in addition to the rights, power, and authority conferred by said several sections above referred to, and for purpose of ascertaining, fixing, and determining the compensa-

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tion to be paid, and for other purposes, the parties shall also have the right, benefit, power, and authority conferred and provided by any and all other general laws of the State of Tennessee which have been, or which may hereafter be, enacted governing, controlling, and regulating the exercise of the right, power, and authority of eminent domain.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 205.

### HOUSE BILL No. 359.

(By Messrs. Harper and McWhirter.)

A BILL to be entitled "An Act to regulate working and laying out of the public roads in counties having a population of not less than 32,546 nor more than 32,550 according to the Federal census of 1900 or any subsequent Federal census."

Applies to  
Weakley  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Quarterly County Court of such counties as have a population of not less than 32,546 nor more than 32,550 according to the Federal census of 1900 or any subsequent Federal census, at its January term, 1911, to elect a Board of Commissioners, who shall be freeholders in said county, who, not exceeding three members, one of whom shall be the County Court Clerk, who shall be a member ex officio, to serve without compensation, shall hold their offices

for two years from the first day of January, 1911, and until their successors are elected and qualified; *provided*, that Commissioners of such counties elected and qualified at the January term, 1909, of said court, under and by virtue of Chapter 466 of the Acts of the General Assembly of Tennessee, for the year, 1907, shall be the Commissioners under and perform the duties and exercise the powers prescribed by the Act for Commissioners until the election and qualification of the Commissioners under this Act.

SEC. 2. *Be it further enacted*, That should any Commissioner so elected fail to qualify within ten days after his election, it shall be the duty of the County Judge to appoint a Commissioner for such county, and said Commissioners so elected or appointed shall enter into bond before the County Court Clerk in the penal sum of three thousand dollars (\$3,000), payable to the State of Tennessee, and conditioned for faithful performance of their duties and for accounting for all money that may come into their hands by virtue of their office, and shall also take an oath for the faithful performance of their duties.

Bond of Commissioners.

SEC. 3. *Be it further enacted*, That the Road Commissioners of the county shall have entire supervision of all bridges and culverts in the county of the length of twenty-five feet and under, which they shall have built and kept in repair, to be paid for with the road fund of the district in which said bridges and culverts are located. They shall also have supervision of all the public roads in the county, and shall lay them out and classify them as first, second, third, and fourth-class roads. Roads of the first class shall be forty feet wide between the ditches; second class, thirty feet wide between ditches; third class, twenty feet wide between ditches; and fourth class, fifteen feet wide between ditches. That the Road Commissioners shall keep a well-bound book in which they shall keep a record of each road in the county and the classification of the same, together with the description of each bridge in the county. They shall also assign the hands, but not any hand shall be assigned to work except in the district where said hand lives.

Supervision of roads.

Road record.

SEC. 4. *Be it further enacted*, That all applications

**Application to open roads.** to open, close, or change a road shall be made in writing to the Road Commissioners of the county, and said Commissioners shall give at least ten days' notice to all interested parties owning lands over which such highways pass of the time they will inspect said road, and they may employ a surveyor to locate the same, if necessary.

**Power of condemnation.** Said Commissioners shall have the power to condemn land for the purpose of laying out new roads or to widen old roads and to assess the value of the same. Any person aggrieved by the action of the Commissioners may appeal, upon giving bond for all costs and damages, to the next term of the County Court, which appeal may be heard and determined by the Judge of said court; and if application is granted, all costs and damages shall be paid by the applicants, unless for good reason the Commissioners shall assess the same to the county, in which case the same shall be paid by order of the County Court out of any money in the treasury not otherwise appropriated, in which event they shall report their action to the next term of the Quarterly Court for approval.

**Persons aggrieved.**

**Contractors.** SEC. 5. *Be it further enacted*, That the Commissioners shall let out to the lowest responsible bidder, with privilege to reject any and all bids, the working of public roads in each civil district to one or more contractors; that the Quarterly Court shall fix the number of districts that shall be let out to each contractor, which shall not be over three, for the term of one year, which contractor shall enter into bond, with two or more good and sufficient sureties, in the penal sum of double the amount of his contract, payable to the State of Tennessee, conditioned for the faithful compliance of his contract, said bond and contract to be filed with the County Court Clerk of such county within ten days after being signed and approved.

**Specifications.** SEC. 6. *Be it further enacted*, That all roads shall be graded, with one and one-half inch to the foot fall, from the center to each side, and that they shall be ditched on each side with good and sufficient ditches so as to properly drain them, and that such ditches shall be kept open by contractors throughout the entire year; *provided*, that whenever the funds and labor to which a district is entitled are not sufficient to build and maintain the public highways in such

district up to the standard required by this Act, the Commissioners, in their discretion, may designate and direct the parts and portions of such highways upon which the funds shall be applied, and specify them in their contracts; *provided, further*, that the labor to which such district is entitled shall be employed upon the highways on which any hand or hands may live, or the nearest highway thereto.

SEC. 7. *Be it further enacted*, That all male inhabitants over twenty-one and under fifty years of age, except those living within the bounds of an incorporated town and such as are permanently disabled from performing ordinary labor and are released by the Commissioners upon the presentation of a release from the County Court from paying poll tax, shall work on the highway each year not less than six days on three days' personal or written notice by the contractors of the time and place to commence work, and any hand so notified may be exempt from work on the road by paying the contractor of the district fifty cents for each day he is notified to work.

Road duty—  
who liable.

SEC. 8. *Be it further enacted*, That the County Court of said county shall, at each January term of the Quarterly Court after the passage of this Act, levy tax for highway purposes, to be not less than twenty cents on each one hundred dollars' worth of taxable property as shown by the assessment made by the County or District Assessor, and on privileges not less than five cents on the one hundred dollars, and all taxes assessed under this Act and collected as hereinafter provided, except all corporate and privilege taxes, which shall be held as a general road fund, shall be used for maintaining the highways and bridges in the district in which such assessments are made, and all such tax shall be paid in money.

Highway tax.

SEC. 9. *Be it further enacted*, That all assessments for highway purposes shall be collected as other county revenues by the Trustee, who shall be allowed a commission of two and one-half per cent for collecting and paying out the same.

SEC. 10. *Be it further enacted*, That the Trustee shall make settlement with the County Judge monthly for all road tax collected and paid out by him, and shall account for same in the same manner that he is now required for county taxes.

Commutation  
and fines.

SEC. 11. *Be it further enacted*, That the Commissioners of the county may bring suit before any Justice of the Peace by warrant and arrest against all persons subject to highway labor in the county who shall fail or refuse to work or commute as heretofore provided for such work when properly notified by the contractor, and, upon conviction, shall be fined one dollar for each day he is notified to work, together with the costs of the suit, and held in custody until the same is paid or secured, one-half of such fine to go to the contractor notifying such party or parties, and the other half shall be paid to the Commissioners, to be paid by them to the Trustee with all other money by them collected for road purposes, and the Trustee shall place all money by him collected from Road Commissioners to the credit of the district from which it is collected.

"Public Road  
Record."

SEC. 12. *Be it further enacted*, That the Road Commissioners of the county shall furnish to the County Court Clerk a full description of each road in the county, with the classification of same, to be by the Clerk recorded in a well-bound book to be known as the "Public Road Record," and kept in his office as other public records, for which the Clerk shall receive a fee of twenty-five cents for each road record, to be paid by the county.

SEC. 13. *Be it further enacted*, That all public roads in such counties shall be worked by the contractors between the first day of April and the fifteenth day of September each year, and no work shall be done before or after said date of April 1 to September 15, except in cases of repair; *provided*, that all contractors shall begin immediately from said date of April 1 to comply with and to execute the terms and provisions of their contract; to use all due and proper diligence in the working and construction of the roads embraced in their said contracts, to the end that the working and construction of said roads may be completed as soon as practicable from and after said date of April 1.

Penalty.

Any contractor who willfully and negligently fails to comply with the requirements of this section is hereby declared to be guilty of a misdemeanor, and, upon conviction therefor, shall be fined not less than twenty-five dollars nor more than fifty dollars for

each offense, said fines to go to the road funds of the district in which said offense is committed.

SEC. 14. *Be it further enacted*, That the Road Commissioners of the county shall, at the end of each month, inspect the work done by the contractors during said month, and shall issue to him his warrant drawn upon the County Trustee for an amount not exceeding the actual cost of such work, and no work shall be paid for until inspected and approved by the Commissioners, and said warrant shall be paid by the Trustee of the county out of the road funds of such district. Inspection of work.

SEC. 15. *Be it further enacted*, That in laying out the roads to be worked by the contractors, the Commissioners shall include all levees to be worked as ordinary roads by said contractors, except in cases of washouts, which shall be repaired as heretofore and paid for by the county. Levees.

SEC. 16. *Be it further enacted*, That nothing in this Act shall be construed so as to alter or abridge the power the Quarterly County Court now has over the bridges and levees of such counties.

SEC. 17. *Be it further enacted*, That a day's work, in the meaning of this Act, shall be eight hours of actual service, and no more than ten hours shall be counted in any twenty-four. Eight hours a day's work.

SEC. 18. *Be it further enacted*, That each Commissioner shall be paid not more than eight hundred dollars (\$800) nor less than six hundred dollars (\$600) per year, to be fixed by the Quarterly Court; *provided*, that the salary of no Commissioner affected by this Act shall be changed after once being fixed during the term of said Commissioner, excepting the County Court Clerk, who is a member of the Board of Commissioners *ex officio*, and is to serve without compensation, which shall be paid monthly by the warrant of the County Judge, drawn upon the Trustee of the county, and paid out of the general road funds of such county; *provided*, that any surplus of general road funds, after the payment of Commissioners, as herein provided, may be applied by said Commissioners to such district or districts wherein the funds and labor are not sufficient to work and maintain the roads up to the standard required by this Act. Compensation of Commissioners.

SEC. 19. *Be it further enacted*, That in building and

Repairing  
bridges.

repairing all bridges of less than twenty-five feet in length, the work shall be done by the road contractor under his contract, but the Commissioners shall furnish him with material, which shall be paid for by the warrant of the Commissioners on the County Trustee, to be paid out of the road fund of said district.

Books, etc.

SEC. 20. *Be it further enacted*, That the County Judge shall furnish to each Commissioner all necessary books and blanks, which shall be a road record book, notice to the hands by the contractor, and Commissioners' warrants, etc., to be procured by the County Judge and paid for as other stationery of the county.

Uniform  
contracts.

SEC. 21. *Be it further enacted*, That the County Judge of such county shall prepare or have prepared by some competent person uniform contracts, to be entered into by each road contractor in the county, and furnish same to each Commissioner for the use in letting out the contracts for their roads, which contract shall specify how and when his road shall be worked.

Punishment of  
contractors.

SEC. 22. *Be it further enacted*, That any contractor failing to comply with his contract shall be subject to indictment or presentment by the grand jury of the county, who shall have inquisitorial power over such cases, and, on conviction, shall be fined not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) for each offense, which fine shall go to the road fund of the district in which the offense was committed.

Obstructions.

SEC. 23. *Be it further enacted*, That any person who shall put or cause to be put any obstruction in any of the public roads of said county, as laid out and designated by the Road Commissioners, shall be subject to indictment or presentment by the grand jury of such county, and fined not less than five dollars (\$5) nor more than ten dollars (\$10) for each offense, which fine shall go to the road fund of the district in which the offense was committed, and no property shall be exempt from any fine and costs of any delinquent road hand for failing to work the road.

Punishment of  
Commissioner.

SEC. 24. *Be it further enacted*, That any Road Commissioner who fails or refuses to perform any of his duties, or shows any partiality in the perform-



ance of the same, shall be subject to indictment or presentment by the grand jury of the county, who shall have inquisitorial power over such cases, and fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) for each offense, which fine shall go to the county road fund of the county in which the offense is committed.

SEC. 25. *Be it further enacted*, That in constructing culverts across any of the public roads of such county, where it is practicable, tiling or brick shall be used instead of wooden culverts, and the County Judge may purchase such tiling or brick and pay for the same out of the county funds, and furnish the Road Commissioners for use, and charge said district with the amount they may use at actual cost and carriage, and shall reimburse the county out of the road fund of such district in which it is used.

Construction  
of culverts.

SEC. 26. *Be it further enacted*, That no Justice of the Peace or county officer, except the County Court Clerk, as is hereinbefore provided, who is made eligible to serve as a Commissioner ex officio shall be eligible to serve as a Commissioner or contractor.

SEC. 27. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 5, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 206.

### HOUSE BILL No. 329.

(By Mr. Gross.)

AN ACT to provide for and enforce the education of all children between the ages of eight and fourteen years in counties of Tennessee having a population of not less than 17,625 and not more than 17,640 according to the Federal census of 1900 or of any subsequent Federal census.

Applies to  
Anderson  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every parent, guardian, or other person in counties of this State having a population of not less than seventeen thousand six hundred and twenty-five (17,625) and not more than seventeen thousand six hundred and forty (17,640) according to the Federal census of 1900 or of any subsequent Federal census having control or charge of a child or children between the ages of eight and fourteen years shall send such child or children to a public school or at some other school for at least sixteen weeks of each year, or in case the public school in the district in which such child resides shall be in session for less than sixteen weeks, they shall send them for the entire session, unless such attendance in whole or in part is excused by the teacher having charge of such child or children in a written exemption, showing on whose application granted.

Exemption  
may be  
granted—  
when.

SEC. 2. *Be it further enacted*, That no such exemption from school attendance shall be granted unless the child is in such condition physically or mentally as to prevent attendance at school or its application to study for the period of exemption, exception in cases of actual destitution, where the wages of the child are essential for the support of the family, the County Court shall, if it deems wise, excuse such attendance or make an appropriation to reimburse the family for the loss of wages incurred by attendance upon school.

Consecutive  
attendance  
required.

SEC. 3. *Be it further enacted*, That the attendance of sixteen weeks required above shall begin with the notification of the parent, guardian, or other custo-

dian, as described in Section 7 of this Act, and shall be consecutive, except for holidays, vacation, detention by sickness, or other necessary and unavoidable causes, and such intermissions of such attendance are not to be counted as part of the sixteen weeks required.

SEC. 4. *Be it further enacted*, That any failure on the part of any parent, guardian, or other person to comply with the foregoing sections of this Act shall be a misdemeanor, and shall be punished by a fine of one dollar (\$1) for each week that each child in his or her control shall fail of attendance for the required period of sixteen weeks, such fine to be collectible by suit before any Justice of the Peace in the county, in the name of the State, and to be paid to the Trustee of the county in which such child resides, for the benefit of the public-school fund of that county. Penalties.

SEC. 5. *Be it further enacted*, That during the period of the year that the public schools of any school district affected by the provisions of this Act are in operation it shall be a misdemeanor, punishable by fine, for any person, firm, or corporation knowingly to hire or use the services of any child residing in such district under the age of fourteen years during school hours, unless such child shall have first attended school during the scholastic years then current for the length of time required by this Act, or unless such child has been exempted from school attendance in the manner allowed and prescribed by this Act; and a violation of this provisions shall subject the offender to a fine of two dollars and fifty cents (\$2.50) for each offense, collectible by suit before any Justice of the Peace of the county, in the name of the State, and payable to the Trustee of the county for the use of the public schools of this county. Corporations or firms may be punished.

SEC. 6. *Be it further enacted*, That it shall be the duty of the District Clerks, whose duty it is to take the school census within their respective territories, to find out and report, at the time of taking the annual census of the school children of their respective districts, as required by existing laws, the names of all children between the ages of eight and fourteen years residing in their districts, with the age of each, and the name and residence of the parent, guar- Duties of District Clerks.

**Reports.**

dian, or other person having care and control of each of such children; and they shall make of these statistics triplicate reports—one for the member of the County Board of Education of the district, one for the County Superintendent of Public Instruction; and it shall be the duty of the State Superintendent to furnish in blank the proper forms and schedules for such reports to the County Superintendent, who shall distribute to the District Clerks.

**Duties of  
teachers.**

SEC. 7. *Be it further enacted*, That it shall be the duty of the District Clerks, as soon as practicable after the completion of the school census of each year, to apportion the children of their respective districts between the ages of eight and fourteen years, as shown by the census statistics so taken, among the public schools of the district, and to furnish each principal or teacher with a list of the children so assigned to him, and the name and residence of their parent, guardian, or other person having control of them; and it shall be the duty of said principals or teachers, at the opening of the school year, to bring to the attention of all parents, guardians, and custodians of the children so assigned to them, respectively, the provisions and penalties of this Act, and they shall ascertain and record the names of all children between said ages who attend schools other than public schools of the district, and shall from time to time, as required by the County Board of Education, make report to them of these matters, and show in such report the extent of the delinquency of all parents, guardians, and custodians of the children assigned to them, respectively, who shall fail in any respect to comply with the provisions of this Act; *provided*, that the attendance of any child for the required period upon any school other than the public schools, which teaches the same branches as the public schools of the district, or equivalent branches, shall be deemed a satisfactory compliance with this Act; and a written certificate of the principal of any school, stating the time or times of such attendance, shall be sufficient evidence of the fact; *provided, further*, that in all cases where it is claimed that the child has attended school for the required time at some school other than the public schools, it shall be the duty of the parent, guardian, or custodian of that child to furnish such cer-

tificate of his attendance; and if, by reason of their failure to furnish such certificate, proceedings are instituted against such parent, guardian, or custodian of that child to furnish such certificate (required by this Act), such proceedings shall be at the expense of such defendant.

SEC. 8. *Be it further enacted*, That the County Board of Education shall make such regulations and require of the public-school teachers such reports from time to time as to the attendance and nonattendance of the children assigned to them, respectively, for supervision, as that the records of their offices shall at all times show the names and residences of all the persons who fail to comply with the requirements of this Act, and such records shall at all reasonable times be accessible to the public.

Duties of  
County  
Board of  
Education.

SEC. 9. *Be it further enacted*, That it shall be the duty of the said County Board of Education, through their Secretary as agent, to enforce the payment and collection of all fines for the violation of this Act incurred by employers of children and by parents or others within the respective districts, and for this purpose to institute all necessary suits therefor, in the name of the State, against such delinquents before some Justice of the Peace of the civil district where the defendant may be residing at the time such suit is brought, and it shall be the duty of the County Trustee to receive and receipt for such fines, and to report and account for the same from time to time to the County Board of Education.

To enforce  
payment of  
fines.

SEC. 10. *Be it further enacted*, That it shall be the duty of the Superintendent of Public Instruction of the county to require from the teachers of the schools of the various school districts to make reports from time to time as may be thought expedient, showing the enrollment of all the children within their respective schools between the ages of eight and fourteen years, and the extent to which the attendance on the part of any child falls short of the requirements of this Act, together with the names and residences of their parents, guardians, or other custodians of the children who have failed in any respect to meet the requirements of this Act, and a list of the fines incurred thereunder, and the amount of such fines actually collected. It shall be the further duty of the County and State Superintendents to

Superin-  
tendent of  
Public  
Instruction.

show as far as possible in their annual reports, or in their special reports, which may be made from time to time, the effect and operation of this law, and to recommend such amendments and extensions thereof as in their judgment may be deemed wise for the effectual attainment of the purposes of this Act.

SEC. 11. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 5, 1909.

M. HILLISMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 207.

### HOUSE BILL No. 326.

(By Mr. Puryear.)

**AN ACT** to make it a misdemeanor for a man to abandon or fail to provide for his wife or children under twelve years of age, and to fix the punishment therefor.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be, and is declared, a misdemeanor for a husband to willfully abandon or neglect or fail to provide for his wife without good cause; and that it also be declared a misdemeanor for a father to willfully abandon or neglect or fail to provide for his child or children under the age of twelve years; *provided*, that the good cause above referred to shall be such acts as would, under present laws, justify a husband in deserting or abandoning his wife and entitle him to a divorce; and, *provided, further*, that each day's continuation of the abandonment or failure to provide shall constitute a separate offense and be indictable as such.

**SEC. 2.** *Be it further enacted,* That any husband or father who shall be guilty of either of the above misdemeanors specified in this Act shall be indicted and tried, and, on conviction, shall be punished by fine, not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), or by imprisonment in the county workhouse, not less than one month nor more than eleven months and twenty-nine days, or both such fine and imprisonment.

**SEC. 3.** *Be it further enacted,* That no other evidence shall be required to prove that such husband was married to such wife, or is father of such child or children, than would be necessary to prove such facts in a civil action, and, *further*, that the wife shall be permitted to testify against her husband in prosecution under this Act the same as in divorce cases.

**SEC. 4.** *Be it further enacted,* That this Act take

effect from and after its passage, the public welfare requiring it.

Passed March 5, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

Approved April 23, 1909.

**MALCOLM B. PATTERSON,**  
*Governor.*



CHAPTER 208.

HOUSE BILL No. 546.

(By Mr. Wiseman.)

N ACT to be entitled An Act to change the line between the counties of Moore and Franklin.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Moore and Franklin be, and the same is hereby, changed so as to include within the limits of the county of Moore all the lands of Thomas Millaps, now included within the limits of Franklin County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 24, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 209.

### HOUSE BILL No. 289.

(By Mr. Williams.)

**AN ACT to authorize the School Directors of the Third School District of Wilson County, Tenn., to sell a lot known as "Mount Pleasant School grounds," and to dispose of the proceeds.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the School Directors of the Third School District of Wilson County be, and they are hereby authorized and empowered to sell and convey the old schoolhouse and lot known as the "Mount Pleasant Schoolhouse" and grounds in said district, either publicly or privately, as they may deem best, and place the proceeds of said sale to the credit of the school fund in said district.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

**M. HILLSMAN TAYLOR;**  
*Speaker of the House of Representatives.*

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

Approved April 24, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

## CHAPTER 210.

### HOUSE BILL No. 98.

(By Knox County Delegation.)

**AN ACT** to repeal Section 4 of Chapter 1 of the Acts of 1907 of the General Assembly of the State of Tennessee authorizing the Criminal Judge of Knox County to hold every alternate term of the Circuit Court of said county.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Section 4 of Chapter 1 of the Acts of 1907 of the General Assembly of the State of Tennessee authorizing the Criminal Judge of Knox County to hold every alternate term of the Circuit Court of said county be, and the same is hereby, repealed, and the jurisdiction of the Circuit Judge of said county is in all respects, with reference to holding said court, restored.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

Approved April 24, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

## CHAPTER 211.

### HOUSE BILL No. 484.

(By Mr. Smith.)

AN ACT to create a School District in Franklin County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the following boundaries will constitute the Twenty-first Public School District of Franklin County, Tenn., and shall be known as the "Bean's Creek School District:"

Beginning in the section line at the northeast corner of J. I. Kennedy's farm, and running south between Kennedy and Reynolds to Mason's line; thence west between Kennedy and Mason to the lane running north and south; thence south by John Mason and John Baker to the mountain; thence with the meanders of the mountain so as to include all the lands in what is known as the "John Keith Cove"—P. D. Woods' place, Bud Keith's Mooneyham place, and John Keith place south of the Bud Keith place; thence with the Cedar Ridge Road to the end of the lane in front of P. D. Woods' house; thence with said lane toward the western end; thence north with the lane to its end and on the railroad so as to include Mrs. Brandon's place; thence up railroad to J. S. Breeden's place on the north side of the railroad; thence with the western boundary of Breeden's place to H. R. Moore's northeast corner; thence west and north to the west end of the Collins lane so as to include the land that once belonged to W. L. Collins; thence east with said lane to Cicero Reynolds' southwest corner; then north and east, on a line between Cicero Reynolds and the lands formerly owned by Gip Reynolds, to the creek; thence up the creek to the section line; thence east on section line to the beginning.

SEC. 2. *Be it further enacted*, That this district shall have the same officers and all emoluments, rights, and privileges and be governed by the same

laws and regulations as other school districts in Franklin County.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 24, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 212.

### HOUSE BILL No. 434.

(By Mr. Crisman et al.)

AN ACT entitled "An Act to authorize the Board of Prison Commissioners to increase the pay of guards."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Board of Prison Commissioners are hereby authorized and empowered to pay all guards employed by them sixty dollars (\$60) per month; *provided*, that this Act shall not prevent said Board of Prison Commissioners from paying any guard more than sixty dollars (\$60) per month if he is now receiving more than this salary; *provided, further*, that this Act shall not prevent the said Board of Prison Commissioners from paying any employee more than sixty dollars (\$60) per month if he has other duties in connection with guarding prisoners.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 24, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 213.

### HOUSE BILL No. 389.

(By Messrs. Galloway and Lipscomb.)

**N** ACT to be entitled An Act to repeal Chapter 560 of the Acts of 1907, which is "An Act to encourage, promote, and provide for a system of internal improvements throughout the State; and to promote and provide for the construction and building of a system of public highways in the various counties in this State; and to create the office of State Highway Commissioner for the State, and that of two Assistant Highway Commissioners; and to provide for their appointment and to define their powers and prescribe their duties; and to create and provide a public highway fund, to be used in the construction and building of public highways in the various counties in this State by appropriating out of the treasury of the State the sum of five hundred thousand dollars annually, which shall constitute a State public highway fund; and to apportion the same among the various counties of the State in proportion of the number of square miles of territory in each county; and to provide that the portion of said fund apportioned to each county shall be used in constructing and building highways under the provisions of this Act in such county."

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 560, which is entitled "An Act to encourage, promote, and provide for a system of internal improvements throughout the State; and to promote and provide for the construction and building of a system of public highways in the various counties in this State; and to create the office of State Highway Commissioner for the State, and that of two Assistant Highway Commissioners; and to provide for their appointment and to define their powers and prescribe their duties; and to create and provide a public highway fund, to be used in the construction and building of public highways in the various counties of this State by appropriating out of the treasury of the State the sum of five hundred thousand dollars annually, which shall constitute a State public highway fund; and to apportion the same among the various counties of the State in proportion to the number of square miles of territory in each county; and to provide that the portion of said fund apportioned to each county shall be used in constructing and build-

ing highways under the provisions of this Act in such county," be, and the same is hereby, repealed.

Sec. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLISMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 24, 1909.

MALCOLM B. PATTERSON,  
*Governor.*



## CHAPTER 214.

### HOUSE BILL No. 379.

(By Mr. Tidwell.)

**AN ACT** to provide for the compensation of the Sheriff of Dickson County, Tenn., for necessary service rendered in attending the sessions of the Special Court holden at Dickson, Tenn.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be paid to the Sheriff of Dickson County, Tenn., for necessary services rendered in attending the sessions of the Special Circuit and Chancery Courts holden in the town of Dickson the sum of \$100 per annum, to be paid quarterly by said Dickson County in the same mode and manner as the Circuit Court Clerk and Clerk and Master of said Special Circuit and Chancery Court are now being compensated by law for their services in connection with said Special Courts.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

Approved April 24, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

## CHAPTER 215.

### HOUSE BILL No. 331.

(By Messrs. McWhirter and Harper.)

**AN ACT to create a Special School District in the Eleventh and Twenty-third Civil Districts of Weakley County, Tenn.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That a Special School District embracing the town of Gleason be, and the same is hereby, created in the Eleventh and Twenty-third Civil Districts of Weakley County, Tenn., bounded as follows: Beginning at Burch Atkins'; thence to Bob McNeil's; thence to Widow Dickerson's; thence to Captain Smith's; thence to Tom Taylor's; thence to Para Lee Walters'; thence to Will Armour's; thence to J. L. Alexander's; thence to Rev. Neal's; thence to W. B. Edmondston's; thence to Henry Larkins'; thence to W. E. Deason's; and to the beginning.

**SEC. 2.** *Be it further enacted,* That T. A. Lovelace, A. C. Edwards, and R. W. Bandy are hereby appointed as School Directors for the School District created by the first section of this Act, to serve until the next general election for School Directors when three Directors shall be elected by the people of said Special District, and successively thereafter at every regular election for School Directors in Weakley County.

**SEC. 3.** *Be it further enacted,* That the School District created by the first section of this Act shall have all of the rights, privileges, and emoluments and be governed by the same laws and rules that govern, control, and regulate other school districts in Weakley County, Tenn.

**SEC. 4.** *Be it further enacted,* That the Trustee of Weakley County be, and is hereby, directed and empowered to apportion to the district created by the first section of this Act in proportion to the scholastic population of said district its pro rata of all school funds in his hands at the time that this Act takes effect, or may come into his hands after this

Act takes effect, under the same rules and regulations as he does to the other districts in Weakley County, Tenn.

SEC. 5. *Be it further enacted*, That upon the [taking] effect of this Act the said District Directors shall take the census of the scholastic population within said territory, and report the same to the County Trustee, and upon this scholastic report said Trustee shall apportion the school funds of the Eleventh and Twenty-third Civil Districts according to the scholastic population of the district created by Section 1 of this Act and the territory covered by this Act, and the balance to the territory of the two civil districts mentioned, not included in this Act.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 24, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 216.

### HOUSE BILL No. 291.

(By Mr. Marshall.)

AN ACT to be entitled An Act to aid in the prevention and eradication of communicable diseases among domestic animals.

Live Stock  
Inspectors to  
give notice.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter any State Inspector of Live Stock or County Live Stock Inspector is authorized to give legal or written notice to any person, firm, or corporation owning, possessing, or controlling any live stock which may be found infected with cattle ticks, known as the "Southern" or "Texas fever ticks" (*Margaropus Annulatus*), to disinfect the same, or have the same disinfected, within fifteen days from the service of such notice; and if any person, firm, or corporation shall refuse or neglect for fifteen days from the service of such notice to disinfect such animals or live stock, as such written notice may specify, the said person, firm, or corporation shall be guilty of a misdemeanor, and shall be liable to a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200). But if any person is brought before a Justice of the Peace for such misdemeanor, on the complaint of a State Inspector of Live Stock or a County Live Stock Inspector, such person may plead guilty, whereupon the Justice shall hear the evidence and fine the offender according to the aggravation of his offense, not less than five dollars nor more than fifty dollars, together with all cost, and payment of such fine and cost shall bar any further punishment for the same offense.

Penalty for  
failure to  
comply.

SEC. 2. *Be it further enacted*, That this Act shall

take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

Approved April 24, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

## CHAPTER 217.

### HOUSE BILL No. 290.

(By Mr. Buttry.)

AN ACT to amend Chapter 344 of the Acts of 1905, being an Act entitled "An Act to create a Board of Jury Commissioners for counties in this State having a population of not more than 11,160 and not less than 11,140 inhabitants by the Federal census of 1900 or that may have that number of inhabitants by any subsequent Federal census, and for the selection of juries; to prescribe the duties of the members of said Board and of the Judges; to punish violations of this Act; to provide for jury lists and jury boxes to be kept in each county affected by this Act; and to repeal all laws in conflict with the Act."

Applies to  
Hancock  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 344 of the Acts of 1905, being an Act entitled "An Act to create a Board of Jury Commissioners for [counties in] this State having a population of not more than 11,160 and not less than 11,140 inhabitants by the Federal census of 1900 or that may have that number of inhabitants by any subsequent Federal census, and for the selection of juries; and prescribe the duties of the members of said Board and of the Judges, and punish violations of this Act; and provide for jury lists and jury boxes to be kept in each county affected by this Act; and to repeal all laws in conflict with this Act," be, and the same is hereby, amended so as to add to Section 8 of said Act the following:

"*Provided*, that if it becomes necessary to have additional jurors to those present, whose names were never selected from the jury box, as herein prescribed, or additional panel from which to select a jury to try any particular case or cases pending, the presiding Judge may, in his discretion, select from citizens of the county, or direct the Sheriff to summon persons, and make up the jury therefrom to try the case without drawing names from the jury box, but in the manner as prescribed by law for the State in general, and would be applicable in the absence of the Acts herein referred to."

SEC. 2. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

Approved April 24, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

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## CHAPTER 218.

### HOUSE BILL No. 67.

(By Mr. McLaughlin.)

AN ACT to authorize and empower the County Courts in all counties in the State of Tennessee having a population of not less than one hundred and twenty thousand (120,000) and not more than one hundred and fifty thousand (150,000) inhabitants by the Federal census of 1900 or any subsequent Federal census to make appropriations of money for the compensation of members of said courts for extraordinary services heretofore rendered and hereafter rendered as members of committees elected by the County Courts or appointed by the Judge thereof for special purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Courts, in quarterly session assembled, in all counties of the State of Tennessee having a population of not less than one hundred and twenty thousand (120,000) and not more than one hundred and fifty thousand (150,000) inhabitants by the Federal census of 1900 or any subsequent Federal census be, and they are hereby, authorized and empowered to make appropriations of money out of the ordinary funds of said counties for the compensation of members of said courts for extraordinary services heretofore rendered and hereafter rendered by them as members of committees elected or appointed by the

Applies to  
Davidson  
County.

Compensation  
of members  
of committees  
of County  
Court.

Judge thereof for special purposes—that is, members of committees elected by the court or appointed by the Judge thereof to perform any services outside of the duties required of them by law as members of the Quarterly County Courts; and said County Courts, in quarterly session assembled, are authorized and empowered to make such appropriation of money out of the ordinary fund as may be just and reasonable for the compensation of such members for the services performed by them; *provided, however*, that the work to be performed by such member or members shall require a period of more than thirty days' actual service; and, *provided, further*, that no compensation shall be paid to any of such members where the expenditure is less than fifty thousand dollars (\$50,000); and, *provided, further*, that no member of such committee shall be entitled to compensation for attendance upon the meetings of the committee, but only for services actually rendered outside of the attendance of the meetings of such committee.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 24, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 219.

### HOUSE BILL No. 556.

(By Mr. Miller.)

**AN ACT** to amend an Act approved April 7, 1903, being Chapter 322 of the Acts of the General Assembly of 1903, the same being an Act to incorporate the town of Covington, in Tipton County; to provide for the election of officers, prescribe their duties; to fix the boundaries of said corporation, and to define its rights and powers.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee, That:*

1. Section 18 of said Act, Chapter 322 of the Acts of Tennessee of 1903, be, and the same is hereby, amended so as to strike out from line 15 the word "second" and insert the word "first" therefor.

2. That Subsection 9 of Section 25 of Chapter 322 of the Acts of Tennessee of 1903, be further amended by inserting the words "or prohibit," in line 1 of said Subsection 9, just after the words "to regulate."

**SEC. 2.** *Be it further enacted, That* Section 25 of said Act be so amended as to provide that the Board of Mayor and Aldermen of the town of Covington, Tenn., shall have the right by ordinance:

1. To compel all property owners owning property accessible to sewer mains to connect their houses or property with same. Sewers.

2. To regulate or prohibit the use of dry closets in the town of Covington, Tenn.

3. To prevent the emptying of waste water or slops into the public streets, squares, and alleys in said town of Covington, Tenn.

4. The said Board of Mayor and Aldermen shall have power to fix meter rates for all water used from the waterworks of said town, and shall have the right to have the subscribers who use said water to put in and maintain water meters. Water meters.

5. To pass an ordinance regulating wiring of buildings for the purpose of putting in electric lights, electric fans, etc., within the corporate limits of said Electric wiring.

town, and to provide for necessary inspection of same.

Electric  
meters.

6. To compel by ordinance all parties using electric lights from the light plant or fans or motors run by electricity furnished by the light plant of said town of Covington, Tenn., in residences, storehouses, shops, and all other buildings and places of business within the corporate limits of said town to put in electric lights or electric meters, and maintain the same.

Buildings.

7. To regulate, restrain, and prohibit the erection or removal of wooden buildings within the corporate limits of said town, and to provide for suitable inspection of all buildings within the corporate limits of said town.

Fire department.

8. To equip and maintain a proper fire department, and to levy taxes for maintaining a proper fire department and fire companies.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 24, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 220.

### HOUSE BILL No. 548.

(By Messrs. Cleage and Watson.)

AN ACT to transfer to the public-school authorities of Hamilton County the public schools and public-school property of the town of the Taxing District of St. Elmo, in said county, and provide for the support, maintenance, management, and control of the same; to provide for the assumption by said Hamilton County of the school bonds issued by said town, and of the obligations of said town in respect to the same; and to authorize and require the Treasurer of said town to turn over to said county the accumulation of sinking fund in his hands for the redemption of said bonds.

WHEREAS the County Court of Hamilton County, Preamble.  
in this State, by resolution adopted at its January session, 1909, petitioned the General Assembly of the State of Tennessee for authority for said county to take over the exclusive jurisdiction, management, control, and maintenance of the public schools within the town of the Taxing District of St. Elmo, in said county, together with all the school property of said town and the accumulations of the sinking fund accumulated by said town for the redemption of the \$18,000 of bonds issued by it for school purposes, said county assuming said bonds and all the obligations of said town in respect to the same; and

WHEREAS the said Taxing District of St. Elmo, by resolution adopted at a meeting of its Town Commissioners held on the twenty-seventh day of February, 1909, petitioned the General Assembly of the State of Tennessee to make the aforesaid transfer upon the terms above stated; therefore,

SECTION 1. *Be it enacted by the General Assembly* St. Elmo school property.  
*of the State of Tennessee,* That the public schools and public-school property of the town of the Taxing District of St. Elmo, including its school building, the grounds upon which the same stands, and its school equipment, be, and the same are hereby transferred to the County Board of Education of Hamilton County, and shall hereafter be exclusively managed, controlled, maintained, and supported as county schools of said county in the same manner as the

other public schools of said county are managed, controlled, maintained, and supported.

Tax levy and  
sinking  
fund.

SEC. 2. *Be it further enacted*, That the \$18,000 of bonds issued by said Taxing District of St. Elmo for school purposes under the authority of Chapter 40 of the Acts of the General Assembly of the State of Tennessee of 1907 are hereby made and declared to be a debt of said county of Hamilton the same as if said bonds were issued by said county, and it is hereby made and declared to be the duty of the County Court of said county annually to levy a tax upon the taxable property of said county for the purpose of paying the interest on said bonds as it falls due, and for the purpose of creating a sinking fund for the redemption of the same at maturity, and to perform all the other obligations of said town in respect to said bonds.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Treasurer of said Taxing District of St. Elmo immediately upon the passage of this Act to pay over to said county of Hamilton the accumulations of sinking fund accumulated in his hands for the redemption of said bonds, the same to be held by said county as part of the sinking fund to be created by it, as provided in the last preceding section of this Act, for the redemption of said bonds.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 24, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 221.

### HOUSE BILL No. 562.

(By Davidson County Delegation.)

AN ACT to amend an Act entitled "An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards according to the Federal census of 1880 whose charters have been abolished," being Chapter 114 of the Acts of the General Assembly of Tennessee for 1883, and which, together with sundry amendments thereto, constitute the charter of the city of Nashville, so as to provide that one of the members of the metropolitan police force of said city serving as Sanitary Inspector shall be designated as the "Sanitary Disinfector," and prescribing his compensation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 114 of the Acts of the General Assembly of the State of Tennessee for the year 1883, entitled "An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards according to the Federal census of 1880, whose charters have been abolished," the same being, with sundry amendments thereto, the charter of the city of Nashville, be amended so as to provide that one of the members of the metropolitan police force of said city of Nashville serving as a Sanitary Inspector shall be designated as the "Sanitary Disinfector," and whose compensation shall be fixed at one hundred dollars (\$100) per month. Said Sanitary Disinfector shall continue to be a member of the metropolitan police force, shall be appointed as other Sanitary Inspectors are appointed, and shall be governed by the same rules and regulations as govern other Sanitary Inspectors serving in the Health Department of said city of Nashville.

Sanitary  
Disinfector  
of Nashville.

Compensation.

SEC. 2. *Be it further enacted,* That this Act take

effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

Approved April 24, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

## CHAPTER 222.

### HOUSE BILL No. 561.

(By Davidson County Delegation.)

AN ACT to be entitled "An Act to amend an Act entitled An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards according to the Federal census of 1880, whose charters have been abolished, being Chapter 114 of the Acts of 1883 and the various subsequent Acts amendatory thereof, all constituting the charter of the city of Nashville, by extending the provisions of the civil-service law to the City Prescriptionist and the Assistant City Prescriptionist of the City Board of Health, and by placing these two city officials under the civil service; and to provide that they shall not be removed, except for cause and in accordance with the rules and regulations governing all other city employees under civil service."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 114 of the Acts of the General Assembly of 1883 and the various subsequent Acts amendatory thereof, the same constituting the charter of the city of Nashville, be, and the same are hereby amended so as to place the City Prescriptionist and the Assistant City Prescriptionist of the Board of Health of the city of Nashville under the civil-service rules and regulations, and said officials shall not be removed from their respective offices, except for cause and in accordance with the rules and regulations governing other city officials, who are now by law placed under civil service. City Prescriptionists of Nashville.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 24, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 223.

### HOUSE BILL No. 311.

(By Mr. Hoover.)

AN ACT to amend Chapter 252 of the Acts of 1899 creating and establishing eight civil districts in the county of Hardin, in lieu of the seventeen districts existing at the time of the passage of that Act, by creating and establishing out of what is now the Fifth Civil District under said Act a district to be known and designated as the "Ninth Civil District of Hardin County," and creating and establishing out of what is now the Eighth Civil District under said Act a district to be known and designated as the "Tenth Civil District of Hardin County," by a division of said Fifth and Eighth Districts, respectively, and to define the boundaries of said two new districts so established.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 252 of the Acts of 1899 be amended by creating and establishing out of what is now the Fifth Civil District of Hardin County, as established by said Chapter 252 of the Acts of 1899, the Ninth Civil District of said county, which shall embrace and include all of the territory embraced in and which composed the Eighth Civil District as said Eighth District existed prior to and at the date of the passage of said Act of 1899, leaving the Fifth District created by said Act to embrace all of the territory included in the Sixth and Seventeenth Districts of said county as said Sixth and Seventeenth Districts existed prior to and at the date of the passage of said Act, and the boundary of said Ninth District here created is fixed accordingly.

SEC. 2. *Be it further enacted*, That said Act be amended by creating and establishing out of what is now the Eighth Civil District of said county as created by said Act a district to be known and designated as the "Tenth Civil District of Hardin County," which shall embrace and include all of the territory that composed the Thirteenth Civil District of said county as said Thirteenth District existed prior to and at the date of the passage of said Act of 1899, and the boundaries of said Tenth District here created are fixed accordingly, leaving the said



**Eighth District created by said Act to embrace all of the territory that composed the Twelfth Civil District of said county as the said Twelfth District existed prior to and at the date of the passage of said Chapter 252 of the Acts of 1899.**

**SEC. 3. *Be it further enacted,* That said two districts as herein established remain as created herein until changed by the General Assembly of the State of Tennessee.**

**SEC. 4. *Be it further enacted,* That this Act shall in no way interfere or affect the right and tenure of office of any Justice of the Peace now in office in said Fifth and Eighth Districts created by said Act of 1899, and out of which districts said Ninth and Tenth Districts are created, respectively, and here established.**

**SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.**

**Passed April 21, 1909.**

**M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.***

**WILLIAM KINNEY,  
*Speaker of the Senate.***

**Approved April 23, 1909.**

**MALCOLM R. PATTERSON,  
*Governor.***

## CHAPTER 224.

### HOUSE BILL No. 304.

(By Mr. Ashley.)

AN ACT to amend Chapter 264, Acts of 1905, being "An Act to redistrict the county of Marshall," etc., passed April 6, 1905, and approved April 11, 1905, by changing the line between Civil Districts Nos. 3 and 4.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between Civil Districts Nos. 3 and 4 of Marshall County, Tenn., as set forth in Chapter 264, Acts of 1905, entitled "An Act to redistrict the county of Marshall," etc., passed April 6, 1905, and approved April 11, 1905, be, and the same is hereby, changed so as to exclude from the Fourth Civil District the farm of J. L. Beatty and include the same in the Third Civil District.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 225.

### HOUSE BILL No. 274.

(By Mr. Luther.)

**AN ACT** to provide for and enforce the education of all children between the ages of eight and sixteen years in counties of Tennessee having a population of not less than 18,550 nor more than 18,600 according to the Federal census of 1900 or any subsequent Federal census, and to provide for the enforcement of this Act.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That every parent, guardian, or other person in this State having control or charge of a child or children between the ages of eight and sixteen years shall send such child or children to a public school or to some other school for at least ten consecutive weeks or fifty days of each year, or as long as the public schools of the city or district in which such child resides shall be in session, in case the session shall be less than ten weeks during the year, unless such attendance in whole or in part is excused by the County Board of Education in a written exemption, showing on whose application granted and the period and reasons for which the exemption was granted.

Applies to  
Jefferson  
County.

**SEC. 2.** *Be it further enacted,* That no such exemption from school attendance shall be granted unless such child has completed the primary school course and attained proficiency in all the subjects or branches thereof, or unless such child has been or is being instructed for not less than ten weeks in the year in some private, parochial, or tutorial school, or at home by competent and reliable teachers, or unless it appear from the competent medical or other positive and satisfactory testimony that the child is or was in such condition physically or mentally as to prevent its attendance at school or its application to study for the period of exemption, or unless, because of sickness or extreme poverty, the wages, time, or labor of such child or children are essentially necessary for the support of a destitute parent or brother or sister in such indigent fam-

Exemption  
may be  
granted—  
when.

ily to prevent them from becoming objects of charity; *provided*, that the County Board of Education may, with the consent of the County Superintendent of Schools, buy and furnish with the school funds for any child who is of a family in extreme poverty and destitution all necessary text-books for use under the direction of the teacher in the schoolroom during school hours by such indigent child or children, and no others, which books shall be delivered by the teacher to the Board of Education at the close of the school, or when the necessity thereof terminates; *provided, further*, that the occasional absence from such attendance by any such child between the ages of eight and sixteen years not amounting to more than two unexcused absences in four consecutive weeks, reckoned in periods of four weeks from the beginning of the school term, shall not be unlawful.

Attendance to  
be consecutive.

SEC. 3. *Be it further enacted*, That the attendance of ten weeks or fifty days required shall begin with the opening of the school session for the year, and shall be consecutive, except for holidays, vacation, detention by sickness, and other necessary and unavoidable causes, and such intermissions of such attendance shall not be counted as part of the ten weeks required; *provided*, that any responsible principal or teacher of any school shall have power to exempt any such child for temporary absence on account of unusual storm, bad weather, or high waters, death in the child's family, providential hindrance, unforeseen and unavoidable accidents, and for the observance of religious festivals and holidays; *provided, further*, that the provisions of this Act shall not apply in cases where the home of the parent or other custodian of the child or of children between said ages of eight and sixteen years is more than two and one-half miles from the nearest public school by the shortest available road or way of travel.

Penalty.

SEC. 4. *Be it further enacted*. That any failure on the part of any parent, guardian, or other custodian of any child between the ages of eight and sixteen years to comply with the foregoing sections of this Act, unless exempt or excused therefrom, as herein provided, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) for each

offense, and shall pay all cost. Such fine, when collected, shall be paid into the county treasury and applied to the use of the public school of the county in which the offense was committed.

SEC. 5. *Be it further enacted*, That it shall be the duty of all school officers, whose duty it is to take the school census within their respective districts, counties, and cities, to ascertain at the time of taking the annual census of the school children, as required by law, the full name and the age of each child, and the name and place of residence of the child's parents, guardian, or other custodian, and record the same in their respective offices, and make report thereof to the County Superintendent of Public Instruction. The County Superintendent of Public Instruction shall, at the beginning of the school session, furnish to the principal or teacher of each public school under control of the Board of Education a copy of the census of all children between the ages of eight and sixteen years belonging to the school in charge of such principal or teacher or residing in the territory.

Name and age of children to be recorded.

SEC. 6. *Be it further enacted*, That the principals or teachers of the public schools shall, at the opening of the public-school session for the year, bring to the attention of all parents and other custodians of any child or children between said ages, respectively, the provisions and penalties of this Act, and they shall keep a record of the actual time of attendance of all children assigned to them or residing in the province of their respective schools. Said teachers shall notify the parents or custodians of any child between the ages of eight and sixteen years belonging to the school in his or her charge of the absence of such child, which notice shall be in person or in writing, and within three days after the absence occurs. At the close of each school month said teachers shall report in writing to the County Superintendent of the county in which he or she is teaching a list of all absences of all children between the ages of eight and sixteen years which occurred during the month, together with copies of all excuses offered by the parents or other custodians of the children who have been absent, and also a statement as to which excuses were accepted as true and sufficient; *provided*, that no warrants for teachers' sal-

Duties of teachers.

Salaries not to be paid until reports are made.

aries shall be issued or the salaries paid until such reports are made.

County Super-  
intendents to  
make  
reports.

SEC. 7. *Be it further enacted*, That it shall be the duty of the County Superintendents of Public Instruction to make such reports from time to time as may be deemed necessary to the State Superintendent of Public Instruction, showing the enrollment of all the children within their respective counties and cities between the ages of eight and sixteen years in the public schools or other substituted schools and the extent to which such attendance on the part of any child falls short of the requirements of this Act, together with the names and residences of the parents, guardians, or other custodians of the children who have failed in any respect to meet the requirements of this Act, and a list of the fines incurred and entered thereunder, with an itemized list and the amount of such fines actually collected.

May reimburse  
family.

SEC. 8. *Be it further enacted*, That if any child or children between the ages of eight and sixteen years, as above, is of a family in extreme poverty and destitution as aforesaid, the Commissioners of the Poor of the county may make an allowance or appropriation to reimburse the family or indigent child for the loss of time, work, or wages during school attendance, and to furnish such child or children necessary clothing so as to enable such child or children to attend school for the time required without exemption on account of poverty and destitution as aforesaid, which sum shall be paid by the Commissioners out of any funds at their disposal or by the county upon the recommendation of such payment by said Commissioners of the Poor.

Penalties.

SEC. 9. *Be it further enacted*, That any member of a County Board of Education or teacher of any public school who willfully or negligently fails or refuses to comply with any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50) for each offense, and said fine shall inure to benefit of the public-school fund of the county in which the offense is committed.

SEC. 10. *Be it further enacted*, That this Act shall only apply to counties of the State of Tennessee having a population of not less than 18,550 nor more

than 18,600 according to the Federal census of 1900 or any subsequent Federal census; *provided*, that the provisions of this Act shall not abridge or interfere with the right of all children to attend the public schools until they are twenty-one years of age; *provided, further*, that this Act shall not be so construed as to affect or abridge the rights of districts or counties and cities to maintain separate schools or school systems of their own. The grand jury is given inquisitorial power over the officials provided by this statute, and the Judge of the Circuit Court will give same in charge to the grand juries.

Jefferson  
County.

SEC. 11. *Be it further enacted*, That this Act take effect on the thirtieth day of June, 1909, the public welfare requiring it.

Passed March 6, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 23, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 226.

### HOUSE BILL No. 487.

(By Mr. Buttry.)

AN ACT to provide and regulate the compensation of Chancery Court Clerks and Masters in all counties in the State of Tennessee having a population of less than 11,150 and more than 11,140, and in counties having a population of not less than 11,140 and more than 15,112, and in counties having a population of not less than 12,900 and more than 12,890 by the Federal census of 1900 or any subsequent Federal census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Chancery Court Clerks and Masters of all the counties in the State

Population  
given in lines  
four and five  
applies to  
Hancock  
County.

Population  
given in lines  
six, seven  
and eight is  
correctly  
printed, and  
cannot be  
construed.  
[May have  
been in-  
tended to  
apply to  
Grainger or  
Stewart, and  
Union, or all  
of them.]  
—Secretary  
of State.

of Tennessee having a population of less than 11,150 and more than 11,140, and in counties having a population of not less than 15,520 and more than 15,112, and in counties having a population of not less than 12,900 and more than 12,890 by the Federal census of 1900 or any subsequent Federal census shall receive the sum of five hundred dollars (\$500) as salaries per annum; *provided*, that the said Chancery Court Clerks and Masters shall file annually on the first day of January an itemized statement, sworn to, with the County Judge or Chairman, showing the amount of fees paid into their respective offices, and in all such counties where the total amount of such fees fail to equal the salary above herein provided, the difference between the total amount of said fees and said salaries for each particular Clerk and Master in such counties shall be paid by the county upon a warrant drawn by the County Judge or Chairman out of the county treasury.

SEC. 2. *Be it further enacted*, That when the total amount of fees exceed the salary, as hereinabove regulated, the said Chancery Court Clerks and Masters shall be allowed to retain the same.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLISMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 24, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 227.

### HOUSE BILL No. 506.

(By Mr. Lipscomb.)

AN ACT to repeal Section 4 of Chapter 150 of Acts of the General Assembly of the State of Tennessee, passed April 18, 1901, and approved April 20, 1901, in so far as said section applies to counties of not more than 45,000 population and not less than 42,000 by the Federal census of 1900 or any subsequent census, being an Act to prevent hogs, sheep, goats, or geese from running at large or trespassing in counties of this State having a population of 36,300 and not more than 61,000 according to the Federal census of 1900 or any subsequent Federal census, and to fix penalty for violation of same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 4 of Chapter 150 of the Acts of 1901 of the State of Tennessee, passed April 18, 1901, and approved April 20, 1901, in so far as said section applies to counties in this State of not more than 45,000 or not less than 42,000 population by the Federal census of 1900 or any subsequent Federal census, being an Act entitled An Act to prevent hogs, sheep, goats, or geese from running at large or trespassing in counties of this State having a population of 36,300 and not more than 61,000 according to the Federal census of 1900 or any subsequent Federal census, and to fix penalty for violation of same, be, and the same is hereby, repealed. Applies to  
Maury  
County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 24, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 228.

### HOUSE BILL No. 526.

(By Mr. Moore of Obion.)

AN ACT to lay off and establish the Pleasant Valley Taxing District in Obion County, and for the establishing and the maintaining a high school or schools therein, and to establish a Board of Directors and a Clerk of said Taxing District, and to levy a special tax for the maintenance of the said high school or schools, and for other purposes.

#### Boundaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all that part or area of land lying in the State of Tennessee, in the county of Obion, and within the following boundaries, to wit—beginning at the corporation line of Union City, Tenn., on the Union City and Fulton Road, east of John Adams' grocery, runs east to the section road at Haydon's farm; thence north with Haydon's west boundary line to the Davison Mill Road; thence east with Davison Mill Road to Albert Roper's north-east corner; thence south to John Woodfin's north-west corner; thence east with Woodfin's north boundary line to Sam Matthews' southwest corner; thence south with Woodfin's line to Bob Cheatham's northwest corner; thence with Cheatham's north boundary line to Harris Fork Creek; thence with the creek to the Obion River; thence with the Obion River to No. 4 Civil District line; thence west to Houser Creek; thence in a northerly direction with the creek to the corner of Pickard and Edwards' line; thence west with Pickard's south boundary line to his west boundary line; thence north with Pickard's west line and Morgan's west line to the Union City and Lake Road; thence east with the Union City and Lake Road to the corporation line; thence with the corporation line to the beginning corner—be, and the same is hereby, created and constituted the "Pleasant Valley Taxing District," for the purpose of maintaining and operating a high school or schools.

#### Term of officers.

SEC. 2. *Be it further enacted*, That the officers of said Taxing District shall consist of three Directors

and a Clerk, and the same shall be elected by the qualified voters residing in the said Taxing District on Tuesday after the first Monday in June, 1909, and shall serve for a term of two years, and until their successors are elected and qualified for the purpose of this election. The Election Commissioners of Election. Obion County shall hold a special election in the districts embraced by the boundaries of their Taxing Districts in their respective county on Tuesday after the first Monday in June and hereafter every two years.

SEC. 3. *Be it further enacted*, That said Directors herein created and their successors in office shall constitute, and are hereby declared, a Board of Directors of the Pleasant Valley Taxing District, and by that name may sue and be sued, plead and be impleaded, and have continual succession for the purposes hereinafter designated; may have a common seal, and make such by-laws and regulations from time to time as they may deem proper, not inconsistent with the authority herein conferred or the laws of the State of Tennessee for the purpose of carrying into effect the object for which they are created.

SEC. 4. *Be it further enacted*, That the powers and duties of said Board of Directors, except as above Powers and duties of Board of Directors. and hereinafter set out, are as follows:

1. To receive by deed the property of the Pleasant Valley School, and to hold the same for school purposes of the white children within the Pleasant Valley Taxing District so long as the said Pleasant Valley Taxing District shall exist, and then the property to revert to the Trustees of the Pleasant Valley School or their successors.

2. To establish and maintain a high school at said Pleasant Valley School building, wherein shall be taught all branches now taught by the primary and secondary schools of the State, and in which may be taught a commercial or business course, and also a course preparatory for university work, at the discretion of the said Board of Directors.

3. To employ competent teachers, as many as they see proper, for said school, fix their salaries, and discharge them.

4. To open and close the schools and determine the length of the session.

5. To keep in repair and improve the said Pleasant Valley School building and grounds.

6. To suspend and dismiss pupils when the prosperity and efficiency of the school make it necessary.

7. To use the school funds coming into their hands from whatever source in such manner as will promote the interests of the schools in the said Taxing District.

8. To see that a census of the children is taken in the proper time as set out hereinafter.

9. To hold regular meetings as prescribed by them, and special meetings when called by the Chairman or any one member.

10. To take care of, manage, and control all school property belonging to or used by the Pleasant Valley Taxing District.

11. To buy and sell such property as shall be necessary and advantageous for the purpose of operating a colored school similar to that of the white school.

12. To apply the funds at their disposal belonging to the colored children of the Pleasant Valley Taxing District to purchasing a house for the colored school, or they may apply the funds to any colored school in the district they may select, where, by agreement with the Directors of the public school, all the colored children in the said Pleasant Valley Taxing District may have the right to attend said school free of charge during such time as it is run by the funds belonging to the Pleasant Valley Taxing District. •

13. To have full control and charge of the funds belonging to the Pleasant Valley Taxing District for the best interest of the children of the said district, and to carry out the provisions of this Act.

Free tuition.

SEC. 5. *Be it further enacted*, That all children living within the boundaries of the Pleasant Valley Taxing District shall be entitled to the benefit of the funds arising from the provisions of this Act, and are entitled to free tuition in the school operated by the said Board of Directors; *provided*, this shall apply to such children as are between the ages of six and twenty-one years.

Organization  
of Board.

SEC. 6. *Be it further enacted*, That the said Board, within thirty days, shall meet and organize by electing a Chairman, who shall preside at all meetings of

the Board, and a Treasurer, who shall take charge of the funds of the district and pay out the same upon order of the Board, evidenced by the warrant drawn by the Clerk and signed by the Chairman of the Board.

SEC. 7. *Be it further enacted*, That for the purpose of carrying out the provisions of this Act, there is assessed for the year 1909, and for every subsequent year thereafter, twenty-five cents on every one hundred dollars' worth of taxable property, and twenty-five cents poll tax on all male persons between the ages of twenty-one and forty-five within the said Pleasant Valley Taxing District. To enforce the collection of said taxes, the Board of Directors shall have all of the powers vested in the Board of Mayor and Aldermen of municipal corporations created under the general law of the State of Tennessee, and the Clerk all the rights and privileges of the Recorder of municipal corporations under the said general law; and to carry out the provisions of this Act, the said Board of Directors and Clerk are vested with all power and rights that are necessary and incidental for the collection of taxes. All taxes assessed on real estate are a lien upon such real estate, and to be collected as taxes above set out.

Tax rate.

Powers to collect taxes.

SEC. 8. *Be it further enacted*, That none of the personal property mentioned in Sections 3794 and 3795 of the Code of Tennessee, Shannon's Compilation of 1896, shall be exempt from sales for taxes under the provisions of this Act.

SEC. 9. *Be it further enacted*, That the taxes on the assessed value of personal property shall be assessed on the value of the property as shown by the books of the County Trustee of the county where the land lies, or the person resides, unless such assessment shall have been raised or lowered by the Board of Equalizers at its regular session; and in this event, the value in such land, as shown by the Board of Equalizers or personal property, shall be the basis of assessment under this Act.

Assessment basis.

SEC. 10. *Be it further enacted*, That taxes under this Act shall become due and collectable at the same time as taxes under the general revenue law of the State of Tennessee.

Taxes—when due.

SEC. 11. *Be it further enacted*, That in the event a part of land belonging to any individual shall lie

partly within and partly without the boundary of the said Taxing District, it shall be the duty of the said Board of Directors to say what amount is subject to taxation within the district.

SEC. 12. *Be it further enacted*, That the said Directors shall serve without any compensation, and that they shall determine the amount to be paid to the Clerk.

Duties of  
Clerk.

SEC. 13. *Be it further enacted*, That it shall be the duty of the Clerk:

1. To keep minutes of the Board of Directors and to draw all warrants ordered by the said Board.

2. To take enumeration of the scholastic population of the Pleasant Valley Taxing District within thirty days after the thirtieth day of June of each year, and to report to the Board of Directors the number of white and colored children, respectively, in the said Taxing District on the thirtieth day of June, and to ascertain at as early a date as possible the amount belonging to the said Pleasant Valley Taxing District, the amount to be determined by the number of white and colored children, each child being allowed the same.

3. He shall collect all taxes due the said Taxing District and turn the same over to the Treasurer of the Board of Directors.

Election.

SEC. 14. *Be it further enacted*, That this Act shall take effect and be operative on the following conditions—that is to say, that on Tuesday after the first Monday in June, 1909, after giving notice according to law, the Election Commissioners of said Obion County shall call a special election of the qualified voters of the Taxing District at their usual voting place to determine whether or not the people of the said Taxing District shall receive or reject said district. A ballot shall be prepared, on which shall be

Form of ballot.

printed "For Taxing District" and "Against Taxing District;" and those voting for the same shall put a cross mark after the words "For Taxing District," and those voting against the same shall put a cross mark opposite the words "Against Taxing District;" and in the event that a majority of the votes cast shall be "For Taxing District," the same shall be established as herein provided. But should a majority of said votes be found to be "Against Taxing District," then this Act shall be null and

void, and be held to be of no effect. The first election for Directors and Clerk shall be held at the same time and places as the above. At this election the legally qualified voters shall vote for and elect a Clerk and three Directors, whose term of office shall date from the said Tuesday after the first Monday in June, 1909. Elections shall be held at the same places every two years and on the said Tuesday after the first Monday in June to elect successors to the said Clerk and Directors.

SEC. 15. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

Approved April 24, 1909.

**MALCOLM B. PATTERSON,**  
*Governor.*

## CHAPTER 229.

### HOUSE BILL No. 537.

(By Mr. Wilkerson.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards according to the Federal census of 1880, whose charters have been abolished,' the same being Chapter 114 of the Acts of 1883, and the various subsequent Acts amendatory thereof, all constituting the charter of the city of Nashville, so as to provide that the budget for the ordinary and extraordinary expenses of the city government controlled by said Chapter 114 of the Acts of 1883, and the various subsequent Acts amendatory thereof, may exceed for the year 1909 to the extent of two hundred and fifty thousand dollars (\$250,000), the amount of revenue actually collected by the city during the year 1908."

1909 Budget of  
Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 114 of the Acts of the General Assembly of 1883, passed March 21, 1883, and approved March 27, 1883, and the various subsequent Acts amendatory thereof, all constituting the charter of the city of Nashville, be, and the same are hereby, amended so as to provide that the budget for the ordinary and extraordinary expenses of the city government controlled by said Act for the fiscal year beginning January 1, 1909, and ending December 31, 1909, may exceed to the extent of two hundred and fifty thousand dollars (\$250,000) the amount of revenue actually collected through the year immediately preceding said fiscal year; *provided, however*, that it is not intended to in any way interfere with or change the operation of said Chapter 114 of the Acts of 1883 and the various subsequent Acts amendatory thereof other than for and during the fiscal year hereinbefore named.

SEC. 2. *Be it further enacted*, That this Act take



effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 24, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 230.

### HOUSE BILL No. 547.

(By Mr. Bennett.)

AN ACT to be entitled "An Act to prevent horses, mules, cattle, goats, sheep, swine, geese, and ducks from running at large in counties having a population of not less than 39,400 nor more than 39,450 according to the Federal census of 1900 or any subsequent Federal census, and declaring a lien for damages done, and providing how said lien shall be enforced, and prescribing punishment for the violation of this Act."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be unlawful for any person or persons owning or having in charge horses, mules, cattle, sheep, swine, goats, geese, and ducks willfully or knowingly to permit such stock to run at large in counties of not less than 39,400 nor more than 39,450 according to the Federal census of 1900 or any subsequent Federal census.

Applies to  
Gibson  
County.

SEC. 2. *Be it further enacted*, That all persons damaged by stock running at large in such counties shall have a lien upon said stock for the satisfaction of said damages which they may cause by so running at large or by trespassing, which lien shall be enforced by an attachment or execution at law levied upon such stock, and any person or persons damaged by such stock shall be vested with the right

to take up and hold such stock for damages sustained when the same is found upon the lands of said person or persons.

SEC. 3. *Be it further enacted*, That all persons violating the provisions of this Act by permitting such stock, animals, and fowls as enumerated above to run at large or upon the premises of any persons shall be deemed guilty of a misdemeanor, and shall be fined not less than \$5 nor more than \$25 for the violation of this Act.

SEC. 4. *Be it further enacted*, That each day such stock, animals, and fowls as enumerated above shall be permitted to run at large shall constitute separate and distinct offenses.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, and that all laws and parts of laws in conflict herewith are here repealed, the public welfare requiring it.

Passed April 22, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

Approved April 24, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

## CHAPTER 231.

### HOUSE BILL No. 1.

(By Mr. Brooks of Cocke.)

A BILL to be entitled "An Act to repeal Chapter 72 of the Acts of 1905, the same being an Act authorizing Cocke County to issue \$100,000 bonds for the construction and improvement of public roads; and also to repeal Chapter 300 of the Acts of 1905, the same being an Act amendatory of the foregoing Act."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 72 and Chapter 300 of the Acts of 1905, the same being Acts authorizing Cocke County to issue \$100,000 bonds for the construction and improvement of certain public roads, be, and the same are hereby, repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 232.

### HOUSE BILL No. 42.

(By Mr. Draper.)

A BILL to be entitled An Act to amend Chapter 42 of the Acts of 1870, giving the grand juries in this State inquisitorial power of the offense of official drunkenness.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 42 of the printed Acts of 1870, being Section 6723 of Shannon's Code, be, and the same is hereby, amended so as to add as Section 2 of said Act the following:

*"Be it further enacted*, That the several grand juries of this State be, and they are hereby, authorized and empowered to inquire into violations of the provisions of this Act, and to make presentments for violations of this Act without the aid of a prosecutor, and it shall be the duty of the several Judges of the Circuit and Criminal Courts of this State having cognizance of said offense to give the same in charge to the respective grand juries which shall be hereafter impaneled.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 233.

### HOUSE BILL No. 717.

(By Mr. Helm.)

AN ACT authorizing Jefferson County, through its Quarterly County Court, at a regular or special session, to issue bonds of said county for the purpose of grading and macadamizing public roads in said county; to appoint Commissioners, and fix their duties; also to sell said bonds, and to provide for their payment.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Quarterly County Court of Jefferson County, Tenn., at a regular or special term thereof, a majority of the Justices of the Peace of said county being present and voting therefor, be, and are hereby, authorized and empowered to issue bonds of said county not to exceed seventy-five thousand dollars for the purpose of building, grading, and macadamizing the roads in said county as set forth in this Act.

Amount of bonds.

1. To establish, grade, macadamize, and complete the road partially graded leading from Jefferson City to Holston River, via Joe H. Peck's in so far as the same has not heretofore been provided for.

Route of roads.

2. To establish, grade, macadamize, and complete the road partially graded leading from the depot at Straw Plains to the Hamblen County line, at or near the Bowen Pond, a little west of the residence of Dr. J. H. Brown, via Hodges, Newmarket, and Jefferson City, in so far as the same has not been heretofore provided for.

3. To macadamize and complete the road graded and partially macadamized leading from Dandridge to Biddle's Branch on said road, via Kansas, in so far as the same has not heretofore been provided for.

4. To macadamize and complete the graded road leading from the Maryville Road, at or near the Lichlyter farm, to Hickory Ridge, via Nichol's Ferry, in so far as the same has not been provided for heretofore.

5. To macadamize and complete the graded road leading from Dandridge to Chestnut Hill in so far as the same has not been provided for heretofore.

6. To macadamize and complete the graded road leading from Russell's Shop, at Newmarket, to Tip Franklin's Shop, on the Piedmont and Straw Plains Pike, in so far as the same has not been provided for heretofore.

7. To establish, grade, macadamize, and complete the partially graded road leading from the Hamblen County line, just north of Talbott, to a point at or near Mrs. Creswell's to the pike road leading from Dandridge to the Hamblen County line, via Kansas and Biddle's Branch, in so far as the same has not been provided for heretofore.

8. To establish, grade, macadamize, and complete a road leading from the Jefferson City and Dandridge Pike, at or near Carpenter's Store, to the Dandridge and Straw Plains Pike at the Smith McMurray place.

9. To establish and grade a road leading from Hickory Ridge to the graded road leading from Dandridge to Chestnut Hill, at or near Rus. Moore's, via the Ailey Bridge, in so far as the same has not been provided for heretofore.

10. To establish and grade a road leading from the graded road, at or near the public-school building at Leadvale, to the Hamblen County line toward Witt's, via White Pine, passing Paul Moore's Store and over First West Street of White Pine.

11. To establish, grade, macadamize, and complete a road leading from the Dandridge and White Pine Pike, at or near Nichol's Well, to Kimbro's Cross Roads, intersecting with the pike road leading from Dandridge to Hamblen County line, via Biddle's Branch.

12. To macadamize and complete the graded road leading from White Pine east to the Hamblen County line in so far as the same has not been provided for heretofore.

13. To establish, grade, macadamize, and complete a road leading from the underpass near Bright Hodges, in a southerly direction, to a point in the Rocky Valley Road near Jake Oaks'.

14. To establish, grade, macadamize, and complete a road leading from the railway crossing near the old Joe Hodge farm northwardly to the foot of

Winter's Hill; thence in the direction of Byerly's Ford, two miles.

15. To macadamize and complete the graded road leading from Thomas Hodgson's, on the Jefferson City and Dandridge Pike, to Mount Horeb, in so far as the same has not been heretofore provided for.

16. To macadamize and complete the partially macadamized graded road leading from Alfred Caldwell's to the Knox County line, via Allie McBee's and Straw Plains, in so far as the same has not been provided for heretofore.

17. To establish and grade a road leading from Jim Lyle's, on the Dandridge and White Pine Pike, to Trion, via Elliott's Ferry, in so far as the same has not been provided for heretofore.

SEC. 2. *Be it further enacted*, That all bonds issued under the provisions of this Act shall be signed by the County Judge or Chairman and the Clerk of the County Court of said county, and shall bear the county seal.

Bonds—how signed.

The denominations of said bonds shall be not less than one hundred dollars nor more than one thousand dollars.

Denominations.

They shall bear interest at a rate not to exceed five per cent per annum, payable semiannually; shall be consecutively numbered, beginning with No. 1; shall have interest coupons attached, numbered as the bonds, maturing at proper dates to meet the interest, which coupon also shall bear the signatures of the County Judge or Chairman and the Clerk of the County Court. Said bonds, principal, and interest shall be payable in lawful money of the United States.

Interest rate.

The rate of interest which the bonds are to bear shall be fixed by the County Court before said bonds are sold. Said bonds shall mature in thirty years after their issue. Upon the maturity of said bonds, the Judge or Chairman of said County Court shall publish a notice in a newspaper published in said county, if any, giving the numbers of the bonds proposed to be redeemed, the place and date of redemption, and names of the owners of the bonds, if known. If no newspaper is published in said county, such notice shall be by said County Judge or Chairman posted at the courthouse door in said county for thirty days. If said bonds be not presented for pay-

Maturity.

Notice of redemption.

ment at the time and place specified in said notice, the interest thereon shall cease at that date.

Record of  
bonds.

The Judge or Chairman of the County Court of said county shall keep in his office, in a well-bound book, a record of the numbers and denominations of all bonds issued under this Act, and all payments of interest and principal on each made, which record at all times shall be subject to public inspection.

He shall keep also a proper book in which all coupons and also the bonds to which they belong shall be listed and attached as they come in after payment and redemption and on settlements with the Trustee.

Tax levy and  
sinking  
fund.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Quarterly County Court of Jefferson County annually to levy a tax on all the taxable property and privileges in the county, bearing equally on each in proportion to the State tax, sufficient for the purpose of paying the semiannual interest on said bonds, and also for the purpose of creating a sinking fund sufficient for the redemption of such bonds at their maturity, or their earlier payment, as provided by this Act, but not to exceed thirty cents on the one hundred dollars' assessed valuation on property and privileges annually. But no poll tax shall ever be assessed or collected for the purpose of paying either the principal or interest on these bonds or be so applied.

Collection of  
taxes.

SEC. 4. *Be it further enacted*, That the County Trustee shall collect and properly account for all taxes on property herein authorized and account for all taxes received from privileges in the same manner that he is required to do as to other county taxes; shall keep a strict account of receipts and disbursements thereof, keeping this separate from other funds, and shall settle with the Judge or Chairman when he is by law required to settle as to other county funds. His compensation shall be two per cent of the collections from property. The County Court may require said Trustee to execute additional bonds, conditioned for the faithful performance of his duty in collecting and accounting for this fund, with sureties approved by it, or its Judge or Chairman.

The privilege tax shall be collected as other privileges are and turned over to the Trustee aforesaid, less two per cent as compensation. The sinking



fund, should it accumulate faster than it can be utilized under this Act, may be loaned under order of the Quarterly County Court until it can be so used, but not longer or otherwise. None of the funds raised under this Act shall be used for any purpose, except for establishing, grading, macadamizing, and completing public roads and pikes under this Act, including all expenses of carrying this Act into effect; but no part of such funds so raised under this Act shall be used to pay for rights of way.

Funds—for  
what to be  
used.

SEC. 5. *Be it further enacted*, That W. R. Manard, Hal. S. Harris, and A. C. Parrott be, and are hereby, appointed Commissioners, who are authorized to employ engineers and other necessary service to survey, inspect, change, and classify these roads, and to make maps and charts showing the improvements and changes which the public interest requires to be made in said roads.

Commis-  
sioners  
named.

Before entering on the discharge of their duties, said Commissioners shall take and subscribe to an oath, which shall be filed in the office of the County Court Clerk, that they will faithfully, honestly, and impartially discharge the duties of their office to the best of their judgment, skill, and ability, and that they will not be interested, directly or indirectly, in any contract for building said roads. From time to time they shall give such bond, with solvent security, as may be required of them by the said County Court, conditioned honestly and faithfully to account for all moneys, bonds, or property over which they may have control under this Act.

Oath and  
bond of  
Commis-  
sioners.

It shall be the duty of said Commissioners to sell said bonds when issued to the highest bidder, and the proceeds thereof are to be deposited in a bank or banks, to be named by the County Court, by the purchaser or purchasers, subject only to the order of said County Court or the checks of said Commissioners, approved by the Judge or Chairman of the County Court, payable to the contractors, employees, or other creditors of this fund, and showing in their faces for what service issued. Said bonds shall not be sold for less than par. Said Commissioners shall have the right to take by gift or purchase on behalf of said county rights of way, stone, timber, or any other things of value for the construction of the roads contemplated by this Act.

Sale of bonds.

Powers and  
duties of  
Commis-  
sioners.

They shall make also, or have made, specifications for the work to be done in the construction of said roads, to be the basis of contracts. They also shall have the right to reject and refuse to construct any road herein set out on account of expensive construction or procuring rights of way. Said Commissioners and surveying force shall have the right to enter and survey on any lands in the county, the county thereby being subject to none but actual damages. Said Commissioners may have condemned the rights of way selected by them on any route, damages to be assessed as now provided by law, Chapter 9 of the Code of Tennessee, as compiled by R. T. Shannon, being also Sections 1325 to 1347 of Code of Tennessee.

Power of condemnation.

Vacancies—  
how filled.

To receive  
bids.

Contracts.

Engineers may  
be employed.

Surplus  
funds—how  
to be used.

Should any of said Commissioners refuse or fail to serve, or should a vacancy occur in said Commission for any cause, then and in that event the Quarterly County Court of said county is hereby authorized and empowered to elect a Commissioner or Commissioners to fill the vacancy or vacancies when occurring. When the survey, maps, estimates, and specifications are made as to any road, said Commissioners shall advertise for sealed bids on the work, as a whole or in sections, for grading and macadamizing, together or separately, including the bridges and culverts, or they may be separate, and shall give the contract or contracts to the lowest responsible bidder or bidders. They shall have the right to reject all bids and readvertise. They shall make all contracts for service, materials, rights of way, etc., in writing. They shall require proper bonds, with solvent security, from contractors building roads, conditioned to comply with the contracts. They may employ engineers to superintend or supervise the work. All work shall be done according to the specifications and contracts, and, when so done, shall be approved by the Commissioners and paid for; but if not so done, it shall be disapproved, rejected, and payment for same refused.

SEC. 6. *Be it further enacted*, That after complying with the provisions of this Act there remains any moneys arising from the sales of the bonds herein authorized, said Commissioners are hereby authorized and empowered to use said remaining funds, or any part thereof, in the construction of such roads

as may thereafter be designated by said Quarterly County Court.

SEC. 7. *Be it further enacted*, That the Quarterly County Court of said county shall fix the amount of compensation allowed said Commissioners, and shall allow them to be paid out of said funds their expenses incident to the services to be by them rendered under the provisions of this Act. They shall report to each Quarterly term of the County Court in detail the progress of the work and expenditures, and make final report on the completion of the work.

Compensation  
of Commis-  
sioners.

SEC. 8. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 234.

### HOUSE BILL No. 392.

(By Mr. Stout.)

AN ACT to provide for and enforce the education of all children between the ages of eight and sixteen years in counties in Tennessee having a population of not less than ten thousand five hundred and eighty nine (10,589) nor more than ten thousand and six hundred (10,600), and in counties having a population of not less than sixteen thousand six hundred and eighty-eight (16,688) nor more than sixteen thousand six hundred and ninety-eight (16,698), according to the Federal census of 1900 or any subsequent Federal census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every parent, guardian, or other person in this State having control or

Applies to  
Johnson and  
Carter  
Counties.

charge of a child or children between the ages of eight and sixteen years shall send such child or children to a public school or to some other school for at least sixteen weeks or eighty days of not less than four hours each of each year, or as long as the public school of the city or district in which such child resides shall be in session, in case the session shall be less than sixteen weeks during the year, unless such attendance in whole or in part is excused by the District or City School Directors or other officers having control of the public school in a written exemption, showing on whose application granted and the period and reasons for which the exemption was granted.

Exemption  
may be  
granted—  
when.

SEC. 2. *Be it further enacted*, That no such exemption from school attendance shall be granted unless such child has completed the primary school course and attained proficiency in all the subjects or branches thereof, or unless such child has been or is being instructed for not less than sixteen weeks in the year in some private, parochial, or tutorial school, or at home by competent and reliable teachers, or unless it appear from competent medical or other positive and satisfactory testimony that the child is or was in such condition physically or mentally as to prevent its attendance at school, or its application to study for the period of exemption, or unless, because of sickness or extreme poverty, the wages, time, or labor of such child or children are essentially necessary for the support of a destitute parent or brother or sister in such indigent family to prevent them from becoming objects of charity; *provided*, that if any such child or children is of a family in extreme poverty and destitution as aforesaid, the Commissioners of the Poor of the county may make an allowance or appropriation to reimburse the family or indigent child for the loss of time, work, or wages during school attendance, and to furnish such child or children necessary clothing, so as to enable such child or children to attend school for the time required without exemption on account of poverty and destitution aforesaid, which sum shall be paid by the Commissioners out of any funds at their disposal, or by the county upon the recommendation of such payment by said Commissioners of the Poor; *provided, further*, that the District Di-

May reimburse  
family.

rectors and City Boards or other officers having control of the public schools of the districts and cities may, with the consent of the County or City Superintendent of Schools, buy and furnish with the school funds for any such child, who is of a family in extreme poverty and destitution, all necessary text-books for use under the direction of the teacher in the schoolroom during school hours by such indigent child or children, and no others, which books shall be delivered by the teacher to the District Directors of the City Boards of Education at the close of the school, or when the necessity thereof terminates; *provided, further*, that the occasional absence from such attendance by any such child between the ages of eight and sixteen years, not amounting to more than two unexcused absences in four consecutive weeks, reckoned in periods of four weeks from the beginning of the school term, shall not be unlawful.

Text-books  
furnished—  
when.

SEC. 3. *Be it further enacted*, That the attendance of sixteen weeks or eighty days required shall begin with the opening of the school session for the year, and shall be consecutive, except for holidays, vacations, detention by sickness, and other necessary and unavoidable causes, and such intermissions of such attendance shall not be counted as part of the sixteen weeks required; *provided*, that any responsible principal or teacher of any school shall have power to exempt any such child from temporary absence on account of unusual storm, bad weather, or high waters, death in the child's family, providential hindrance, unforeseen and unavoidable accidents, and for the observance of religious festivals and holidays; *provided, further* that the provisions of this Act shall not apply in cases where the home of the parent or other custodian of a child or of children between the said ages of eight and sixteen years is more than two and one-half miles from the nearest public school by the shortest road.

Consecutive  
attendance  
required.

SEC. 4. *Be it further enacted*, That any failure on the part of any parent, guardian, or other custodian of any child between the ages of eight and sixteen years to comply with the foregoing sections of this Act, unless exempt or excused therefrom, as herein provided, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) for each

Penalty.

offense, and shall pay all costs, such fine to be collected by suit in the name of the State before any court having competent jurisdiction, and to be paid into the county treasury and applied to the use of the public school of the district or city in which the offense was committed.

Corporations  
or firms may  
be punished.

SEC. 5. *Be it further enacted*, That during the period of the year that public schools of any district or city of this State are in operation it shall be a misdemeanor, punishable by fine, for any person, firm, or corporation to hire or use the services of any child between the ages of eight and sixteen years, unless such child shall first have attended school during the year then current for the length of time required by this Act, or unless such child has been excused from school attendance in the manner allowed and prescribed by this Act, and a violation of this provision shall subject the offender to a fine of ten dollars (\$10) for each offense, collectible in an action in the name of the State before any court of competent jurisdiction, and payable to the County Trustee for the benefit of the public school of the district in which the offense was committed.

Records to be  
made.

SEC. 6. *Be it further enacted*, That it shall be the duty of all school officers, whose duty it is to take the school census within their respective districts, counties, and cities, to ascertain at the time of taking the annual census of the school children, as required by law, the full name and age of each child, and the name and place of residence of the child's parents, guardians, or other custodian, and record the same in their respective offices, and make report thereof to the County Superintendent of Public Instruction. The District Clerk or Secretary of the City or County Board of Education shall, at the beginning of the school session, furnish to the principal or teacher of each public school under control of the respective Boards a copy of the census of all the children between the ages of eight and sixteen years belonging to the school in charge of such principal or teacher or residing in the school limits thereof.

Reports to be  
made.

Duties of  
teachers.

SEC. 7. *Be it further enacted*, That the principals or teachers of the public school shall, at the opening of the public-school session for the year, bring to the attention of all parents and other custodian of any child or children between said ages, respectively,

the provisions and penalties of this Act; and they shall keep a record of the actual time of attendance of all children assigned to them or residing in the school limits of their respective schools. Said teachers shall notify the parent or custodian of any child between the ages of eight and sixteen years belonging to the school in his or her charge of the absence of such child, which notice shall be in person or in writing and within three days after the absence occurs. At the close of each school month said teachers shall report in writing to the Clerk of the District Directors or the Secretary of the City or County Board of Education by which he or she was employed a list of all absences of all children between the ages of eight and sixteen years which occurred during the month, together with copies of all excuses offered by the parents or other custodians of the children who have been absent, and also a statement as to which excuses were accepted as true and sufficient; *provided*, that no warrants for teachers' salaries shall be issued or the salaries paid until such reports are made, and the District Directors and City Boards or officers having control of the district and city schools shall require of the teachers such reports as to the attendance and nonattendance of such children assigned to them, respectively, for supervision, and make such records thereof as that the records of their offices shall at all times show the names and residence of all the persons within their respective districts and cities who fail to comply with the requirements of this Act.

Salaries not to be paid until reports are made.

SEC. 8. *Be it further enacted*, That it shall be the duty of the District, County, and City School Boards, having control of the public schools in the districts and cities, through the Clerk or Secretary as their agent, or other school officer designated by the respective Boards, to enforce the payment and collection of all fines for the violation of this Act incurred by employers, parents, and others within the respective districts and cities, and for this purpose to institute all necessary suits therefor in the name of the State before any court having competent jurisdiction, which fine shall be paid to the County Trustee, who shall place the same to the credit of the school of the district or city where the offense was committed, and pay out and account for the same

Collection of fines.

Officers to  
make  
arrests.

as prescribed by law for other funds. Said Boards and officers shall institute said suits for said violations of this Act within ten days after the close of the school, and not later than the last week in June of each and every year, and shall prosecute the same with due diligence; *provided*, that the Clerk or Secretary of said Boards or School Directors may report from time to time during the school or any time after its close any violation of this Act or any unexcused absence to any Sheriff or Deputy Sheriff of the county or Constable of the district, and it shall be the duty of said officers and all peace officers to arrest and prosecute such offenders. Said officers shall arrest any such child of school-going age that habitually haunts public places and has no lawful occupation, and also any truant child who absents himself or herself from school, and to place him or her in charge of the teacher of the public school which such child by law is entitled to attend, or in some other school designated by the parent or custodian in which arrangements for its reception have been made; *provided, further*, that in case of conviction and fine by any Justice of the Peace for any violation of this Act, the defendant may appeal to the Circuit or Criminal Court of the county upon securing the fine and all costs or by taking the pauper oath and giving a good and solvent appearance bond in the sum of two hundred and fifty dollars (\$250).

Reports.

SEC. 9. *Be it further enacted*, That it shall be the duty of the State and County Superintendents of Public Instruction to require the District Directors and City Board of Education or other officers in control of the public school to make such reports from time to time as may be deemed necessary, showing the enrollment of all the children within their respective districts and cities between the ages of eight and sixteen years in the public schools or other substituted schools and the extent to which such attendance on the part of any child falls short of the requirements of this Act, together with the names and residences of the parents, guardians, or other custodians of the children who have failed in any respect to meet the requirements of this Act, and a list of the fines incurred and entered thereunder, with an itemized list and the amount of such fines actually



collected. It shall be further the duty of the County Superintendents and of the State Superintendent of Public Instruction to show in their annual reports or in their special reports the effects and results of the enforcement and operation of this Act, and to recommend such amendments and extensions thereof as in their judgment will result in the more effectual attainment of the purposes of this law and the better education of the children.

SEC. 10. *Be it further enacted*, That any School Director, member of a County or City Board of Education, or teacher of any public school who willfully or negligently fails or refuses to comply with any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50) for each offense, to be collected and payable as hereinbefore prescribed in Sections 4 and 5 of this Act. Penalties.

SEC. 11. *Be it further enacted*, That this Act shall only apply to counties of the State of Tennessee having a population of not less than ten thousand five hundred and eighty-nine (10,589) nor more than ten thousand six hundred (10,600), and in counties having a population of not less than sixteen thousand six hundred and eighty-eight (16,688) nor more than sixteen thousand six hundred and ninety-eight (16,698), according to the Federal census of 1900 or any subsequent Federal census; *provided*, that the provisions of this Act shall not abridge or interfere with the rights of all children to attend the public schools until they are twenty-one years of age; *provided, further*, that this Act shall not be so construed as to effect or abridge the rights of districts or counties and cities to maintain separate schools or school systems of their own. Johnson  
County.  
  
Carter County.

SEC. 12. *Be it further enacted*, That this Act shall

take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 235.

### HOUSE BILL No. 315.

(By Mr. Maples et al.)

AN ACT to provide for and enforce the education of all children between the ages of eight and sixteen years in counties of Tennessee having a population of not less than twenty-two thousand (22,000) nor more than twenty-two thousand one hundred (22,100) according to the Federal census of 1900 or any subsequent Federal census.

Applies to  
Sevier  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That every parent, guardian, or other person in this State having control or charge of a child or children between the ages of eight and sixteen years shall send such child or children to a public school or to some other school for at least twelve weeks or sixty days of not less than four hours per day of each year, or as long as the public school of the city or district in which such child resides shall be in session, in case the session shall be less than twelve weeks during the year, unless such attendance in whole or in part is excused by the District or City School Directors or other officers having control of the public school in a written exemption showing on whose application granted and the period and reasons for which the exemption was granted.

SEC. 2. *Be it further enacted*, That no such exemption from school attendance shall be granted unless such child has completed the primary school course and attained proficiency in all the subjects or branches thereof, or unless such child has been or is being instructed for not less than twelve weeks in the year in some private, parochial, or tutorial school, or at home by competent and reliable teachers, or unless it appear from the competent medical or other positive and satisfactory testimony that the child is or was in such condition physically or mentally as to prevent its attendance at school or its application to study for the period of exemption, or unless, because of sickness or extreme poverty, the wages, time, or labor of such child or children are essentially necessary for the support of a destitute parent or brother or sister in such indigent family to prevent them from becoming objects of charity; *provided*, that if any such child or children is of a family in extreme poverty and destitution, as aforesaid, the Commissioners of the Poor of the county may make an allowance or appropriation to reimburse the family or indigent child for the loss of time, work, or wages during school attendance, and to furnish such child or children necessary clothing, so as to enable such child or children to attend school for the time required without exemption on account of poverty and destitution aforesaid, which sum shall be paid by the Commissioners out of any funds at their disposal, or by the county upon the recommendation of such payment by said Commissioners of the Poor; *provided, further*, that the District Directors and City Boards or other officers having control of the public schools of the districts and cities may, with the consent of the County or City Superintendent of Schools, buy and furnish with the school funds for any such child, who is of a family in extreme poverty and destitution, all necessary text-books for use under the direction of the teacher in the schoolroom during school hours by such indigent child or children, and no others, which books shall be delivered by the teacher to the District Directors or the City Boards of Education at the close of the school, or when the necessity thereof terminates; *provided, further*, that the occasional absence from such attendance by any such child between the

Exemption  
may be  
granted—  
when.

May reimburse  
family.

Text-books  
furnished—  
when.

ages of eight and sixteen years, not amounting to more than two unexcused absence in four consecutive weeks, reckoned in periods of four weeks from the beginning of the school term, shall not be unlawful.

Consecutive  
attendance  
required.

SEC. 3. *Be it further enacted*, That the attendance of twelve weeks or sixty days required shall begin with the opening of the school session for the year, and shall be consecutive, except for holidays, vacations, detention by sickness, and other necessary and unavoidable causes, and such intermissions of such attendance shall not be counted as part of the twelve weeks required; *provided*, that any responsible principal or teacher of any school shall have power to exempt any such child for temporary absence on account of unusual storm, bad weather, or high waters, death in the child's family, providential hindrances, unforeseen and unavoidable accidents, and for the observance of religious festivals and holidays; *provided, further*, that the provisions of this Act shall not apply in cases where the home of the parent or other custodian of a child or of children between the said ages of eight and sixteen years is more than two miles from the nearest public school by the shortest road.

Penalty.

SEC. 4. *Be it further enacted*, That any failure on the part of any parent, guardian, or other custodian of any child between the ages of eight and sixteen years to comply with the foregoing sections of this Act, unless exempt or excused therefrom as herein provided, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than two dollars (\$2) nor more than ten dollars (\$10) for each offense, and shall pay all costs, such fine to be collectible by suit in the name of the State before any court having competent jurisdiction, and to be paid into the county treasury and applied to the use of the public school of the district or city in which the offense was committed.

Corporations  
or firms may  
be punished.

SEC. 5. *Be it further enacted*, That during the period of the year that the public schools of any district or city of this State are in operation it shall be a misdemeanor, punishable by fine, for any person, firm, or corporation to hire or use the services of any child between the ages of eight and sixteen years, unless such child shall first have attended

school during the year then current for the length of time required by this Act, or unless such child has been excused from school attendance in the manner allowed and prescribed by this Act; and a violation of this provision shall subject the offender to a fine of two dollars (\$2) for each offense, collectible in an action in the name of the State before any court of competent jurisdiction, and payable to the County Trustee for the benefit of the public school of the district in which the offense was committed.

SEC. 6. *Be it further enacted*, That it shall be the duty of all school officers, whose duty it is to take the school census within their respective districts, counties, and cities, to ascertain at the time of taking the annual census of the school children as required by law the full name and the age of each child, and the name and place of residence of the child's parent, guardian, or other custodian, and record the same in their respective offices, and make report thereof to the County Superintendent of Public Instruction. The District Clerk or the Secretary of the City or County Board of Education shall, at the beginning of the school session, furnish to the principal or teacher of each public school under control of the respective Boards a copy of the census of all children between the ages of eight and sixteen years belonging to the school in charge of such principal or teacher or residing in the school limits thereof.

Records to be made.

SEC. 7. *Be it further enacted*, That the principals or teachers of the public schools shall at the opening of the public-school session for the year bring to the attention of all parents and other custodian of any child or children between said ages, respectively, the provisions and penalties of this Act, and they shall keep a record of the actual time of attendance of all children assigned to them or residing in the school limits of their respective schools. Said teachers shall notify the parent or custodian of any child between the ages of eight and sixteen years belonging to the school in his or her charge of the absence of such child, which notice shall be in person or in writing and within three days after the absence occurs. At the close of each school month said teachers shall report in writing to the Clerk of the District Directors or the Secretary of the City or County Board

Duties of teachers.

of Education by which he or she was employed a list of all absences of all children between the ages of eight and sixteen years which occurred during the month, together with copies of all excuses offered by the parents or other custodians of the children who have been absent, and also a statement as to which excuses were accepted as true and sufficient; *provided*, that no warrants for teachers' salaries shall be issued, or the salaries paid until such reports are made, and the District Directors and City Boards or officers having control of the district and city schools shall require of the teachers such reports as to the attendance and nonattendance of such children assigned to them, respectively, for supervision, and make such records thereof as that the records of their offices shall at all times show the names and residences of all persons within their respective districts and cities who fail to comply with the requirements of this Act.

Salaries not to be paid until reports are made.

Collection of fines.

SEC. 8. *Be it further enacted*, That it shall be the duty of the District, County, and City School Boards having control of the public schools in the districts and cities, through the Clerk or Secretary as their agent, or other school officer designated by the respective Boards, to enforce the payment and collection of all fines for the violation of this Act incurred by employer, parents, and others within the respective districts and cities, and for this purpose to institute all necessary suits therefor in the name of the State before any court having competent jurisdiction, which fines shall be paid to the County Trustee, who shall place the same to the credit of the school of the district or city where the offense was committed and pay out and account for the same as prescribed by law for other funds. Said Boards and officers shall institute said suits for said violations of this Act within ten days after the close of the school, and not later than the last week in June of each and every year, and shall prosecute the same with due diligence; *provided*, that the Clerk or Secretary of said Boards or School Directors may report from time to time during the school or any time after its close any violation of this Act or any unexcused absence to any Sheriff or Deputy Sheriff of the county, or any Constable of the district, and it shall be the duty of said officers and all peace officers

to arrest and prosecute such offenders. Said officers shall arrest any such child of school-going age that habitually haunts public places and has no lawful occupation, and also any truant child who absents himself or herself from school, and to place him or her in charge of the teacher of the public school which such child by law is entitled to attend, or in some other school designated by the parent or custodian in which arrangements for its reception have been made; *provided, further*, that in case of conviction and fine by any Justice of the Peace for any violation of this Act, the defendant may appeal to the Circuit or Criminal Court of the county upon securing the fine and all costs or by taking the pauper oath and giving a good and solvent appearance bond in the sum of two hundred and fifty dollars (\$250).

Officers to  
make  
arrests.

SEC. 9. *Be it further enacted*, That it shall be the duty of the State and County Superintendents of Public Instruction to require the District Directors and City Board of Education or other officers in control of the public schools to make such reports from time to time as may be deemed necessary, showing the enrollment of all the children within their respective districts and cities between the ages of eight and sixteen years in the public schools or other substituted schools and the extent to which such attendance on the part of any child falls short of the requirements of this Act, together with the names and residences of the parents, guardians, or other custodian of the children, who have failed in any respect to meet the requirements of this Act, and a list of the fines incurred and entered thereunder, with an itemized list and the amount of such fines actually collected.

Reports.

It shall be further the duty of the County Superintendents and of the State Superintendent of Public Instruction to show in their annual reports or in their special reports the effect and results of the enforcement and operation of this Act, and to recommend such amendments and extensions thereof as in their judgment will result in the more effectual attainment of the purposes of this law and the better education of the children.

SEC. 10. *Be it further enacted*, That any School Director, member of a County or City Board of Education, or teacher of any public school who willfully

Penalties.

or negligently fails or refuses to comply with any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50) for each offense, to be collectible and payable as hereinbefore prescribed in Sections 4 and 5 of this Act.

SEC. 11. *Be it further enacted*, That this Act shall only apply to counties of the State of Tennessee having a population of not less than twenty-two thousand nor more than twenty-two thousand one hundred according to the Federal census of 1900 or any subsequent Federal census; *provided*, that the provisions of this Act shall not abridge or interfere with the right of all children to attend the public schools until they are twenty-one years of age; *provided, further*, that this Act shall not be so construed as to affect or abridge the rights of districts or counties and cities to maintain separate schools or school systems of their own.

SEC. 12. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 236.

### HOUSE BILL No. 312.

(By Mr. Rule et al.)

AN ACT to provide for and enforce the education of all children between the ages of eight and sixteen years in counties of Tennessee having a population of not less than nineteen thousand two hundred (19,200) nor more than nineteen thousand three hundred (19,300) according to the Federal census of 1900 or any subsequent Federal census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every parent, guardian, or other person in this State having control or charge of a child or children between the ages of eight and sixteen years shall send such child or children to a public school or to some other school for at least sixteen weeks or eighty days of not less than four hours per day of each year, or as long as the public school of the city or district in which such child resides shall be in session, in case the session shall be less than sixteen weeks during the year, unless such attendance in whole or in part is excused by the District or City School Directors or other officers having control of the public school in a written exemption, showing on whose application granted and the period and reasons for which the exemption was granted.

Applies to  
Blount and  
Hardin  
Counties.

SEC. 2. *Be it further enacted*, That no such exemption from school attendance shall be granted unless such child has completed the primary school course and attained proficiency in all the subjects or branches thereof, or unless such child has been or is being instructed for not less than sixteen weeks in the year in some private, parochial, or tutorial school, or at home by competent and reliable teachers, or unless it appear from the competent medical or other positive and satisfactory testimony that the child is or was in such condition physically or mentally as to prevent its attendance at school or its application to study for the period of exemption, or unless, because of sickness or extreme poverty, the wages, time, or labor of such child or children are

Exemption  
may be  
granted—  
when.

essentially necessary for the support of a destitute parent or brother or sister in such indigent family to prevent them from becoming objects of charity; *provided*, that if any such child or children is of a family in extreme poverty and destitution, as aforesaid, the Commissioners of the Poor of the county may make an allowance or appropriation to reimburse the family or indigent child for the loss of time; work, or wages during school attendance, and to furnish such child or children necessary clothing, so as to enable such child or children to attend school for the time required without exemption on account of poverty and destitution aforesaid, which sum shall be paid by the Commissioners out of any funds at their disposal, or by the county upon the recommendation of such payment by said Commissioners of the Poor; *provided, further*, that the District Directors and City Boards or other officers having control of the public schools of the districts and cities may, with the consent of the County or City Superintendent of Schools, buy and furnish with the school funds for any such child, who is of a family in extreme poverty and destitution, all necessary text-books for use under the direction of the teacher in the schoolroom during school hours by such indigent child or children, and no others, which books shall be delivered by the teacher to the Districts Directors or the City Boards of Education at the close of the school, or when the necessity terminates; *provided*, further, that the occasional absence from such attendance by any such child between the ages of eight and sixteen years, not amounting to more than two unexcused absences in four consecutive weeks, reckoned in periods of four weeks from the beginning of the school term, shall not be unlawful.

May reimburse family.

Text-books furnished—when.

Consecutive attendance required.

SEC. 3. *Be it further enacted*, That the attendance of sixteen weeks or eighty days required shall begin with the opening of the school session for the year, and shall be consecutive, except for holidays, vocations, detention by sickness, and other necessary and unavoidable causes, and such intermissions of such attendance shall not be counted as part of the sixteen weeks required; *provided*, that any responsible principal or teacher of any school shall have power to exempt any such child for temporary absence on account of unusual storm, bad weather, or high wa-

ters, death in the child's family, providential hindrance, unforeseen and unavoidable accidents, and for the observance of religious festivals and holidays; *provided, further*, that the provisions of this Act shall not apply in cases where the home of the parent or other custodian of a child or children between the said ages of eight and sixteen years is more than two and one-half miles from the nearest public school by the shortest road.

SEC. 4. *Be it further enacted*, That any failure on the part of any parent, guardian, or other custodian of any child between the ages of eight and sixteen years to comply with the foregoing sections of this Act, unless exempt or excused therefrom as herein provided, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) for each offense, and shall pay all costs, such fine to be collectible by suit in the name of the State before any court having competent jurisdiction, and to be paid into the county treasury and applied to the use of the public school of the district or city in which the offense was committed. Penalty.

SEC. 5. *Be it further enacted*, That during the period of the year that the public schools of any district or city of this State are in operation it shall be a misdemeanor, punishable by fine, for any person, firm, or corporation to hire or use the services of any child between the ages of eight and sixteen years, unless such child shall first have attended school during the year then current for the length of time required by this Act, or unless such child has been excused from school attendance in the manner allowed and prescribed by this Act; and a violation of this provision shall subject the offender to a fine of ten dollars (\$10) for each offense, collectible in an action in the name of the State before any court of competent jurisdiction, and payable to the County Trustee for the benefit of the public school of the district in which the offense was committed. Corporations or firms may be punished.

SEC. 6. *Be it further enacted*, That it shall be the duty of all school officers, whose duty it is to take the school census within their respective districts, counties, and cities, to ascertain at the time of taking the annual census of the school children as required by law the full name and the age of each child, Records to be made.

and the name and place of residence of the child's parent, guardian, or other custodian, and record the same in their respective offices, and make report thereof to the County Superintendent of Public Instruction. The District Clerk or the Secretary of the City or County Boards of Education shall, at the beginning of the school session, furnish to the principal or teacher of each public school under control of the respective Boards a copy of the census of all children between the ages of eight and sixteen years belonging to the school in charge of such principal or teacher or residing in the school limits thereof.

Duties of  
teachers.

SEC. 7. *Be it further enacted*, That the principals or teachers of the public schools shall, at the opening of the public-school session for the year, bring to the attention of all parents and other custodian of any child or children between said ages, respectively, the provisions and penalties of this Act, and they shall keep a record of the actual time of attendance of all children assigned to them or residing in the school limits of their respective schools. Said teachers shall notify the parent or custodian of any child between the ages of eight and sixteen years belonging to the school in his or her charge of the absence of such child, which notice shall be in person or in writing and within three days after the absence occurs. At the close of each school month said teachers shall report in writing to the Clerk of the District Directors or the Secretary of the City or County Board of Education by which he or she was employed a list of all absences of all children between the ages of eight and sixteen years which occurred during the month, together with copies of all excuses offered by the parents or other custodians of the children, who have been absent, and also a statement as to which excuses were accepted as true and sufficient; *provided*, that no warrants for teachers' salaries shall be issued or the salaries paid until such reports are made, and the District Directors and City Boards or officers having control of the district and city schools shall require of the teachers such reports as to the attendance and nonattendance of such children assigned to them, respectively, for supervision, and make such records thereof as that the records of their offices shall at all times show the names and residences of all the persons

Salaries not to  
be paid until  
reports are  
made.

within their respective districts and cities who fail to comply with the requirements of this Act.

SEC. 8. *Be it further enacted*, That it shall be the duty of the District, County, and City School Boards having control of the public schools in the districts and cities, through the Clerk or Secretary as their agent, or other school officers designated by the respective Boards, to enforce the payment and collection of all fines for the violation of this Act incurred by employers, parents, and others within the respective districts and cities, and for this purpose to institute all necessary suits therefor in the name of the State before any court having competent jurisdiction, which fines shall be paid to the County Trustee, who shall place the same to the credit of the school of the district or city where the offense was committed and pay out and account for the same as prescribed by law for other funds. Said Boards and officers shall institute said suits for said violations of this Act within ten days after the close of the school, and not later than the last week in June of each and every year, and shall prosecute the same with due diligence; *provided*, that the Clerk or Secretary of said Boards or School Directors may report from time to time during the school or any time after its close any violation of this Act or any unexcused absence to any Sheriff or Deputy Sheriff of the county, or any Constable of the district, and it shall be the duty of said officers and all peace officers to arrest and prosecute such offenders. Said officers shall arrest any such child of school-going age that habitually haunts public places and has no lawful occupation, and also any truant child who absents himself or herself from school, and to place him or her in charge of the teacher of the public school which such child by law is entitled to attend, or in some other school designated by the parent or custodian in which arrangements for its reception have been made; *provided, further*, that in case of conviction and fine by any Justice of the Peace for any violation of this Act, the defendant may appeal to the Circuit or Criminal Court of the county upon securing the fine and all costs or by taking the pauper oath and giving a good and solvent appearance bond in the sum of two hundred and fifty dollars (\$250).

Collection of  
fines.

Officers to  
make arrests.

**Reports.**

**SEC. 9.** *Be it further enacted,* That it shall be the duty of the State and County Superintendents of Public Instruction to require the District Directors and City Board of Education or other officers in control of the public schools to make such reports from time to time as may be deemed necessary, showing the enrollment of all the children within their respective districts and cities between the ages of eight and sixteen years in the public schools or other substituted schools and the extent to which such attendance on the part of any child falls short of the requirements of this Act, together with the names and residences of the parents, guardians, or other custodians of the children, who have failed in any respect to meet the requirements of this Act, and a list of the fines incurred and entered thereunder, with an itemized list and the amount of such fines actually collected. It shall be further the duty of the County Superintendents and of the State Superintendent of Public Instruction to show in their annual reports or in their special reports the effect and results of the enforcement and operation of this Act, and to recommend such amendments and extensions thereof as in their judgment will result in the more effectual attainment of the purposes of this law and the better education of the children.

**Penalties.**

**SEC. 10.** *Be it further enacted,* That any School Director, member of a County or City Board of Education, or teacher of any public school who willfully or negligently fails or refuses to comply with any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50) for each offense, to be collectible and payable as hereinbefore prescribed in Sections 4 and 5 of this Act.

**Blount County  
and Hardin  
County.**

**SEC. 11.** *Be it further enacted,* That this Act shall only apply to counties of the State of Tennessee having a population of not less than nineteen thousand two hundred nor more than nineteen thousand three hundred according to the Federal census of 1900 or any subsequent Federal census; *provided,* that the provisions of this Act shall not abridge or interfere with the right of all children to attend the public schools until they are twenty-one years of age; *provided, further,* that this Act shall not be so construed

as to effect or abridge the rights of districts or counties and cities to maintain separate schools or school systems of their own.

SEC. 12. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 237.

### HOUSE BILL No. 226.

(By Mr. McLaughlin et al.)

AN ACT to extend the corporate limits of the city of Nashville,  
Tenn.

**Boundaries.**

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the city of Nashville, Tenn., be extended as follows: Beginning at a point on the east side of Avondale Avenue at the present corporation line, running thence with the east margin of Avondale Avenue to the center of Overall Street; thence east with the center of Overall Street to an alley running between Baxter Avenue, or Eighteenth Avenue and Nineteenth Avenue; thence with the center of said alley southward along the dividing line between Lots 51 and 52 in Blair's First Subdivision of Belmont Heights, to a point 25 feet south of Blair Avenue; thence westwardly parallel with Blair Avenue to the center of Twentieth Avenue; thence with the center of Twentieth Avenue northwardly to the center of Overall Street; thence eastwardly with the center of Overall Street to a point in the center of said Overall Street, in line with the western margin of Avondale Avenue; thence northwardly with the west line of Avondale Avenue to the present city line.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 238.

### HOUSE BILL No. 170.

(By Mr. Johnson.)

AN ACT to authorize incorporated Boards of Education of public schools in cities and taxing districts of 100,000 inhabitants or over, according to the Federal census of 1900 or any future census, to issue bonds for certain school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That incorporated Boards of Education in cities or taxing districts of 100,000 inhabitants or over according to the Federal census of 1900 or any future census be, and the same are hereby, invested with power and authority to issue coupon bonds to an amount not exceeding \$500,000, in addition to such bonds heretofore issued by such Boards, or any of them, said bonds so authorized to be issued for the purpose of providing ways and means for the construction of school buildings and grounds and for improvements and repairs to school property.

Applies to  
Memphis.

Amount of  
bonds.

SEC. 2. *Be it further enacted*, That bonds authorized by this Act may be issued in such denominations and made payable when it may seem to the Board of Education best fitted to accomplish the object in view, and shall bear a rate of interest not exceeding four and one-fourth per cent per annum, payable in lawful money of the United States, and at such place as such Boards of Education may fix and determine. Said bonds shall be in such form as may be fixed and prescribed by said Boards of Education, and shall be signed with the signature of the President and the Secretary of such Boards, the interest coupons attached to such bonds bearing the engraved or lithographed signature of the President and the Secretary of such Boards; *provided, however*, that said bonds shall not be sold for less than par, and no commission shall be paid for the sale of said bonds.

Denomina-  
tions and  
interest rate

How signed.

SEC. 3. *Be it further enacted*, That said Boards of Education and each of them are hereby authorized

Payment  
secured.

and empowered to secure the payment of each and all of said bonds and coupons authorized by this Act to be issued, ratably and without preference by a mortgage or trust deed upon any and all real estate and buildings thereon. The property of said Boards of Education and said mortgages or trust deeds may contain such terms or provisions as such Boards of Education or any of them so issuing said bonds may deem most expedient and best not inconsistent with this Act.

SEC. 4. *Be it further enacted*, That the Boards of Education so issuing said bonds under this Act are given the irrevocable power and authority and are directed to pay the interest evidenced by the coupons upon said bonds as they severally mature from and out of the taxes hereinafter authorized and directed to be levied and collected for this purpose, and said taxes shall be used for this specific purpose and none other.

Tax levy and  
sinking fund.

SEC. 5. *Be it further enacted*, That the legislative council or other governing agencies of said cities and taxing districts are hereby given the irrevocable power and authority and are directed, in addition to the taxes levied by them for the building of said schools or the payment of bonds heretofore issued by said School Boards and now outstanding, to annually levy a tax sufficient to pay the interest on such bonds authorized to be issued by this Act as the same mature, and to create a sinking fund sufficient to pay the principal of said bonds at their maturity.

SEC. 6. *Be it further enacted*, That the said sinking fund directed by this Act shall be held and invested by the Fire and Police Commissioners or other governing agencies of said cities and taxing districts, or by their corporate successors, either in purchasing and retiring the bonds authorized to be issued by this Act or by investing said sinking fund in other public securities, as in their judgment may seem best for the safe preservation of said fund until said bonds mature, when they shall use said sinking fund and all accumulations thereof in payment of the principal of said bonds.

Records to be  
kept.

SEC. 7. *Be it further enacted*, That said Boards of Education issuing bonds under this Act shall cause to be prepared a register of said bonds and coupons, showing their date, amount, and disposition made of

same, and make report thereon at the time of making their general report, for which service no compensation shall be allowed.

SEC. 8. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 239.

### HOUSE BILL No. 478.

(By Mr. Cheatham.)

A BILL to be entitled "An Act to make it unlawful for the owners of horses, mules, donkeys, sheep, goats, and swine, or other live stock, or those having control or custody of such live stock, to permit them or any of them to run at large in counties having a population of not less than 26,300 nor more than 26,310 by the Federal census of 1900 or any subsequent Federal census; and to prescribe a remedy for damages committed by such animals when allowed to run at large in violation of this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be unlawful for any person or persons owning or having the custody and control of horses, mules, cattle, sheep, goats, swine, or other live stock to permit such animals to run at large in counties of this State.

Applies to  
Lincoln  
County.

SEC. 2. *Be it further enacted*, That the owners of live stock mentioned and included in Section 1 of this Act shall be liable for all damages done to the property of others. Stock, when allowed to run at large in said counties in violation of this Act, and the

party so damaged shall have a lien on the animal or animals committing the injury to this property, which shall be enforced by attachment or execution as in case of landlord's lien for rent.

SEC. 3. *Be it further enacted*, That any person upon whose lands or property such live stock may be found trespassing may have the right to take same up and impound them until the damages and expense of impounding are paid or judgment obtained and enforced therefor; *provided, further*, that any person so impounding live stock shall give notice of the same immediately upon impounding the same, when such owner or keeper is known to the party impounding the stock.

SEC. 4. *Be it further enacted*, That this Act shall only apply to counties in this State having a population of not less than 26,300 nor more than 26,310 by the Federal census of 1900 or any subsequent Federal census, and that nothing in this Act shall be construed as amending or repealing the general railroad and stock law, and this Act take effect on June 1, 1909, the public welfare requiring it.

Passed April 22, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WM. KINNEY,**  
*Speaker of the Senate.*

Approved April 26, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

## CHAPTER 240.

### HOUSE BILL No. 155.

(By Knox County Delegation.)

AN ACT to amend an Act entitled "An Act to incorporate the city of Knoxville, in Knox County, Tenn., and to define the rights, powers, and liabilities of the same," so as to provide that the Board of Mayor and Aldermen of Knoxville may fix the compensation of the City Attorney between certain amounts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 66 of Chapter 207, page 755 of the Acts of 1907 of the General Assembly of the State of Tennessee be, and the same hereby is, so amended by striking out, after the words "City Attorney" and before the words "all said salaries, etc.," the following words, "whose annual salary shall be one thousand dollars," and substituting therein, after the words "City Attorney" and before the words "all said salaries shall, etc.," the following, "Whose annual salary shall be fixed by the Board of Mayor and Aldermen of Knoxville in an amount not less than one thousand dollars nor more than twenty-five hundred dollars," the remaining portions of said Section 66 being unaffected by this Act.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 241.

### HOUSE BILL No. 499.

(By Mr. Thach.)

AN ACT to provide for and enforce the education of all children between the ages of eight and sixteen years in counties of Tennessee having a population of not less than seventeen thousand two hundred and eighty-one nor more than seventeen thousand three hundred according to the Federal census of 1900 or any subsequent Federal census.

Applies to  
Marion  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every parent, guardian, or other person in this State having control or charge of a child or children between the ages of eight and sixteen years shall send such child or children to a public school or to some other school for at least sixteen weeks or eighty days of each year, or as long as the public schools of the city or district in which the child resides shall be in session, in case the session shall be less than sixteen weeks during the year, unless such attendance in whole or in part is excused by the District or City School Directors or other officers having control of the public schools in a written exemption, showing on whose application granted and the period and reasons for which the exemption was granted.

Exemption  
may be  
granted—  
when.

SEC. 2. *Be it further enacted*, That no such exemption from school attendance shall be granted unless such child has completed the primary school course and attained proficiency in all the subjects or branches thereof, or unless such child has been or is being instructed for not less than sixteen weeks in the year in some private, parochial, or tutorial school or at home by competent and reliable teachers, or unless it appear from the competent medical or other positive and satisfactory testimony that the child is or was in such condition physically or mentally as to prevent its attendance at school or its application to study for the period of exemption, or unless, because of sickness or extreme poverty, the wages, time, or labor of such child or children are essentially necessary for the support of a destitute

parent or brother or sister in such indigent family to prevent them from becoming objects of charity; *provided*, that if any such child or children is of a family in extreme poverty and destitution as aforesaid, the Commissioners of the Poor of the county may make an allowance or appropriation to reimburse the family or indigent child for the loss of time, work, or wages during school attendance, and to furnish such child or children necessary clothing so as to enable such child or children to attend school for the time required without exemption on account of poverty and destitution as aforesaid, which sum shall be paid by the Commissioners out of any funds at their disposal or by the county upon the recommendation of such payment by said Commissioners of the Poor; *provided, further*, that the District Directors and City Boards or other officers having control of the public schools of the districts and cities may, with the consent of the County or City Superintendent of Schools, buy and furnish with the school funds for any child who is of a family in extreme poverty and destitution all necessary text-books for use under the direction of the teacher in the school-room during school hours by such indigent child or children, and no others, which books shall be delivered by the teacher to the District Directors or the City Boards of Education at the close of the school or when the necessity thereof terminates; *provided, further*, that the occasional absence from such attendance by any such child between the ages of eight and sixteen years, not amounting to more than two unexcused absences in four consecutive weeks, reckoned in periods of four weeks from the beginning of the school term, shall not be unlawful.

May reimburse family.

Text-books furnished—when.

SEC. 3. *Be it further enacted*, That the attendance of sixteen weeks or eighty days required shall begin with the opening of the school session for the year, and shall be consecutive, except for holidays, vacation, detention by sickness, and other necessary and unavoidable causes, and such intermissions of such attendance shall not be counted as part of the sixteen weeks required; *provided*, that any responsible principal or teacher of any school shall have power to exempt any child for temporary absence on account of unusual storm, bad weather, or high waters, death in the child's family, providential hindrance,

Consecutive attendance required.

unforeseen and unavoidable accidents, and for the observance of religious festivals and holidays; *provided, further*, that the provisions of this Act shall not apply in cases where the home of the parent or other custodian of a child or of children between said ages of eight and sixteen years is more than two and one-half miles from the nearest public school by the shortest road.

**Penalty.**

**SEC. 4.** *Be it further enacted*, That any failure on the part of any parent, guardian, or other custodian of any child between the ages of eight and sixteen years to comply with the foregoing sections of this Act, unless exempt or excused therefrom as herein provided, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) for each offense, and shall pay all costs, such fine to be collectable by suit in the name of the State before any court having competent jurisdiction, and to be paid into the county treasury and applied to the use of the public school of the district or city in which the offense was committed.

This section is a repetition of Section 4 above, except in line five the words "exempt" and "excused" are transposed. This is correctly printed.

**SEC. 4.** *Be it further enacted*, That any failure on the part of any parent, guardian, or other custodian of any child between the ages of eight and sixteen years to comply with the foregoing sections of this Act, unless excused or exempt therefrom as herein provided, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) for each offense, and shall pay all costs, such fine to be collectable by suit in the name of the State before any court having competent jurisdiction, and to be paid into the treasury and applied to the use of the public school of the district or city in which the offense was committed.

**Corporations or firms may be punished.**

**SEC. 5.** *Be it further enacted*, That during the period of the year that the public schools of any district or city of [the] State are in operation it shall be a misdemeanor, punishable by fine, for any person, firm, or corporation to hire or use the services of any child between the ages of eight and sixteen years, unless such child shall first have attended school during the year then current for the length of time required by this Act, or unless such child has been excused from school attendance in the man-



er allowed and prescribed by this Act; and a violation of this provision shall subject the offender to a fine of ten dollars (\$10) for each offense, collectible in an action in the name of the State before any court of competent jurisdiction, and payable to the County Trustee for the benefit of the public school of the district or city in which the offense was committed.

SEC. 6. *Be it further enacted*, That it shall be the duty of all school officers, whose duty it is to take the school census within their respective districts, counties, and cities, to ascertain at the time of taking the annual census of the school children, as required by the law, the full name and age of each child and the name and place of residence of the child's parents, guardian, or other custodian, and record the same in their respective offices, and make report thereof to the County Superintendent of Public Instruction. The District Clerk or the Secretary of the City or County Board of Education shall, at the beginning of the school session, furnish to the principal or teacher of each public school under control of the respective Boards a copy of the census of all children between the ages of eight and sixteen years belonging to the school in charge of such principal or teacher or residing in the province thereof.

Records to be made.

Reports.

SEC. 7. *Be it further enacted*, That the principals or teachers of the public schools shall, at the opening of the public school session for the year, bring to the attention of all parents and other custodians of any child or children between said ages, respectively, the provisions of this Act, and they shall keep record of the actual time of attendance of all children assigned to them or residing in the province of their respective schools. Said teachers shall notify the parent or custodian of any child between the ages of eight and sixteen years belonging to the school in his or her charge of the absence of such child, which notice shall be in person or in writing and within three days after the absence occurs. At the close of each school month said teacher shall report in writing to the Clerk of the District Directors or the Secretary of the City or County Board of Education by which he or she was employed a list of all absences of all children between the ages of eight and sixteen years which occurred during the month, together with copies of all excuses offered by the

Duties of teachers.

Salaries not to  
be paid until  
reports are  
made.

parents or other custodians of the children who have been absent, and also a statement as to which excuses were accepted as true and sufficient; *provided*, that no warrants for teachers' salaries shall be issued or salaries paid until such reports are made, and the District Directors and City Boards or officers having control of the district and city schools shall require of the teachers such reports as to the attendance and nonattendance of such children assigned to them, respectively, for supervision, and make such records thereof as that the records of their offices shall at all times show the names and residences of all the persons within their respective districts and cities who fail to comply with the requirements of this Act.

Collection of  
fines.

SEC. 8. *Be it further enacted*, That it shall be the duty of the District, County, and City School Boards having control of the public schools in the districts and cities, through the Clerk or Secretary as their agent, or other school officer designated by the respective Boards, to enforce the payment and collection of all fines for the violation of this Act incurred by employers, parents, and others within the respective districts and cities, and for this purpose to institute all necessary suits therefor in the name of the State before any court having competent jurisdiction, which fines shall be paid to the County Trustee, who shall place the same to the credit of the school of the district or city where the offense was committed, and pay out and account for the same as prescribed by law for other funds. Said Boards and officers shall institute said suits for said violations of this Act within ten days after the close of the school, and not later than the last week in June of each and every year, and shall prosecute the same with due diligence; *provided*, that the Clerk or Secretary of said Boards or School Directors may report from time to time during the school or any time after its close any violation of this Act or any unexcused absence to any Sheriff or Deputy Sheriff of the county, or any Constable of the district, and it shall be the duty of said officers and all peace officers to arrest and prosecute such offenders. Said officers shall arrest any such child of school-going age that habitually haunts public places and has no lawful occupation, and also any truant child who ab-

Officers to  
make arrests.

sents himself or herself from school; and to place him or her in charge of the teacher of the public school which such child by law is entitled to attend, or in some other school designated by the parent or other custodian in which arrangements for its reception have been made; *provided; further*, that in case of conviction and fine by any Justice of the Peace for any violation of this Act, the defendant may appeal to the Circuit or Criminal Court of the county upon securing the fine and all costs or by taking the pauper oath and giving a good and solvent appearance bond in the sum of two hundred and fifty dollars (\$250).

SEC. 9. *Be it further enacted*, That it shall be the Reports. duty of the State and County Superintendent of Public Instruction to require the District Directors and City Boards of Education or other officers in control of the public schools to make such reports from time to time as may be deemed necessary, showing the enrollment of all the children within their respective districts and cities between the ages of eight and sixteen years in the public schools and the extent to which such attendance on the part of any child falls short of the requirements of this Act, together with the names and residences of the parents, guardians, or other custodian of the children who have failed in any respect to meet the requirements of this Act, and a list of the fines incurred and entered thereunder, with an itemized list and the amount of such fines actually collected. It shall be further the duty of the County Superintendents and of the State Superintendent of Public Instruction to show in their annual reports or in their special reports the effect and results of the enforcement and operation of this Act, and to recommend such amendments and extensions thereof as in their judgment will result in the more effectual attainment of the purposes of this law and the better education of the children.

SEC. 10. *Be it further enacted*, That any School Penalties. Director, member of County or City Board of Education, or teacher of any public school who willfully or negligently fails or refuses to comply with any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50) for each offense, to be collectible and

payable as hereinbefore prescribed in sections 4 and 5 of this Act.

Marion  
County.

SEC. 11. *Be it further enacted*, That this Act shall only apply to counties in the State of Tennessee having a population of not less than seventeen thousand two hundred and eighty-one nor more than seventeen thousand three hundred according to the Federal census of 1900 or any subsequent Federal census; *provided*, that the provisions of this Act shall not abridge or interfere with the right of all children to attend the public schools until they are twenty-one years of age; *provided, further*, that this Act shall not be so construed as to affect or abridge the rights of districts or counties and cities to maintain separate schools or school systems of their own.

SEC. 12. *Be it further enacted*, That this Act take effect on the thirtieth day of June, 1909, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 242.

### HOUSE BILL No. 108.

(By Mr. Gross.)

AN ACT to amend an Act entitled "An Act to protect the inclosed lands and possessions of persons in this State against certain trespassing animals," and being Chapter 427 of the Acts of 1903.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 2 of said Act be so amended so as not to include within its provisions all that boundary of land lying north and west of the top of Walden Ridge in counties having not less than 17,600 or more than 17,700 according to the Federal census of 1900 or any subsequent Federal census. Applies to  
Anderson  
County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 243.

### HOUSE BILL No. 507.

(By Messrs. Johnson and Cooper.)

AN ACT entitled an Act to amend Chapter 166 of the Acts of 1899, being entitled "An Act to amend Chapter 167 of the Acts of 1883 and Chapter 1 of the Acts of 1891 and Chapter 10 of the extraordinary session of 1893, so as to provide for the expenditure of the turnpike, highways, and bridge taxes collected in suburban districts annexed to any taxing district organized under the Acts of January 29, 1879," and any subsequent amendments thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of Chapter 166 of the Acts of 1899, entitled "An Act to amend Chapter 167 of the Acts of 1883 and Chapter 1 of the Acts of 1891 and Chapter 10 of the extraordinary session of 1893, so as to provide for the expenditure of the turnpike, highways, and bridge taxes collected in suburban districts annexed to any taxing district organized under the Act of January 29, 1879," be, and the same is hereby amended by inserting in the fourteenth line of said Section 1 thereof, after the word "within" and before the word "the," in the said fourteenth line, the following: "Or which may hereafter be annexed or brought within."

SEC. 2. *Be it further enacted*, That this Act take effect from and after September 1, 1909.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 244.

### HOUSE BILL No. 523.

(By Messrs. Galloway and Lipscomb.)

**AN ACT** to regulate the working, laying out, and maintaining of public roads, and to create a County Road Commission for said purposes; to define the duties and powers of the same; to abolish the offices of County Workhouse Commissioners, and requiring the County Road Commission to perform the duties heretofore required to be performed by the County Workhouse Commissioners, and to exercise and perform all the duties, and exercise all the powers heretofore required of the Workhouse Commissioners; and authorizing said County Road Commission to condemn land for road purposes, and providing for the payment of the same, and to provide for the raising and disbursing funds for road purposes, and to provide for the assessment and collection of special tax on abutting property for road purposes, and to declare misdemeanors and penalties, and to require reports to the Quarterly County Court in session, and, in general, to define the powers and duties of said Road Commission in counties in this State having a population of not less than 42,000 nor more than 45,000 inhabitants according to the Federal census of 1900 or any subsequent Federal census; and to repeal Chapter 541 of the Acts of the General Assembly of the State of Tennessee of 1905, being an Act to regulate the working and laying out of public roads in the State in the counties containing not less than 42,000 nor more than 45,000 by the Federal census of 1900 or any subsequent Federal census; and to repeal such parts of Chapter 510 of the Acts of the General Assembly of the State of Tennessee of 1907 as are in conflict with this Act, the same being an Act to regulate the working, laying out, and maintaining public roads; and to create a County Road Commission for said purposes in counties of this State having a population of not less than 42,000 nor more than 45,000 inhabitants by the Federal census of 1900 or any subsequent Federal census; and to repeal any amendments to Chapter 510 of the Acts of 1909 that are in conflict with this Act.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Quarterly County Court, at its first session after the passage of this Act, if it has not previously done so, shall elect three freeholders, one of whom shall reside in either the First, Second, or Third Civil District; one in either the Fourth, Fifth, or Sixth Civil District; one in either the Seventh, Eighth, Ninth, or Tenth Civil District, not members of the County Court, practical road men, and shall be known as the "County Road Commission," and shall hold office—one until Jan-

Applies to  
Maury  
County.

"County Road Commission."	uary 1, 1910; one until January 1, 1911; and one until January 1, 1912; and the Quarterly County Court shall annually thereafter elect one County Road Commissioner for a term of three years, and in case
Vacancies.	of a vacancy in said Commission, the County Judge shall appoint some person to the vacancy who shall hold office until the next meeting of the Quarterly County Court, when an election shall be held to fill said vacancy. Said Commissioners shall take and subscribe to an oath before the County Court Clerk
Oath and bond.	for the faithful discharge of their duties, and shall enter into bond in the sum of two thousand dollars (\$2,000) for the faithful accounting for all money or property coming into their hands and the faithful performance of their duties. One member shall be
Organization and jurisdiction.	made Chairman, and one made Secretary, the Commission to elect. Said County Road Commission shall have charge of the county workhouse and all the county workhouse prisoners that have been or may be sentenced hereafter by the courts of said counties to work in said workhouse; and all the money, fines, penalties, and funds collected by the County Judge or Chairman for workhouse prisoners. They shall exercise all the powers and perform all the duties heretofore required of the Workhouse Commissioners. The County Road Commission shall have supervision and control of all the roads and special county highways and special county highway funds in said county, and have supervising authority over the District Commissioners in their work, and of such bridges as are not under the special control of the County Court, being those bridges heretofore or hereafter built by the Quarterly Court
Duties.	They shall make all necessary rules and regulations for the working of all the roads in said counties, including the time for working roads, and to work any roads or parts of roads by contract when they deem it best. Said County Road Commission as a body, once a year and before the time for regular road working, in company with the District Commissioner of any district concerned, after said District Commissioner shall have had three days' written notice to attend, shall go over and inspect all the special highways of the county and such parts of the main roads leading most directly from the county seat to the county seats of adjacent counties as are
Inspection of roads and bridges.	



not chartered toll roads, for the purpose of intelligently expending the special highway fund on said county roads, considering the importance and necessity to the general public, together with the condition of the various roads and parts of roads, in apportioning said fund, and not to apportion by a flat rate per mile. Also to give directions to the District Commissioners as to their working of said roads, and specially to the removing of all fences or other obstructions from the ditches in order that they may be opened, and the roads graded and worked by horses and machinery where it is practicable, rather than with picks and shovels, that the best interest of the roads and general public may be advanced. Said County Road Commissioners shall make to the Quarterly County Court at each regular session an itemized report of all funds coming into their hands or under their control, from any source whatever, to whom paid out, for what services performed, and on what roads expended, their report being subject to the approval of the Quarterly County Court, which report shall be spread upon the minutes of said court, subject to inspection by the general public.

To direct  
District Com-  
missioners.

Report to be  
made.

**SEC. 2.** *Be it further enacted,* That the road districts of said counties shall be coextensive with the civil districts. The Quarterly County Court in session shall, at its first meeting in January of odd years, commencing with 1911, and every two years hereafter, elect some practical road man in each civil district as "District Commissioner," whose term of office shall be two years, and who shall have the general supervision of the roads in his district, and have the same worked under the direction of the County Road Commission.

District Com-  
missioners—  
term, powers  
and duties.

Should any differences arise between any of the citizens of the district and the Commissioner thereof, they shall be referred to the County Road Commission for adjustment. It shall be the duty of the District Commissioner to attend, when notified to do so, when the County Road Commission is inspecting the roads of his district, and to make to the Commission a full report, after the roads have been worked, as to how said directions have been carried out. The District Commissioners shall make out and file with the County Road Commission a list

of all the road hands in their respective districts, by names, farms or residences, and road sections, on or before the first Monday in June of each year, for which they shall receive five cents per capita.

Compensation  
of Overseers.

The District Commissioner shall appoint Overseers for one year for the various road sections in their districts. A road section shall be at least two full miles and not more than five miles of road, the various road sections being numbered. No Overseer shall have more than one road section, unless it is necessary, in order to get a suitable man for Overseer, and then he shall not be appointed to more than two sections.

Removal for  
cause.

Any District Commissioner appointing a notoriously incompetent Overseer or one related to him by affinity or consanguinity within the fourth degree by the civil law shall be guilty of a misdemeanor in office, and, upon conviction, be fined not less than \$25 and forfeit his office. The County Road Commission may, for cause, remove from office any incompetent District Commissioner or Overseer, which vacancy shall be filled as provided by law. It shall be the duty of the District Commissioner, when he appoints an Overseer, to give the number of his road section or sections, clearly defining the beginnings and endings of the sections, together with the hands assigned thereon, by name, and designating the bounds of roads by streets, farms, and residences, making the division of hands to the various roads as convenient as possible, and having regard to a proper division of the hands upon the various roads, but no allotment of hands shall be made to any other than a public road. It shall be the duty of the Overseer to make a supplementary list of all the hands in his road bounds who escaped the report of the Commissioner, or who have moved into his road bounds, unless they prove satisfactorily that they have already performed road service in the State, the Overseers receiving the same compensation per capita as the Commissioner.

Compensation.

Oath and bond  
of District  
Commissioners.

Before entering upon the discharge of his duties, the District Commissioner shall take an oath for the faithful performance of the duties of his office, and shall enter into bond before the County Court Clerk in the sum of five hundred dollars (\$500) for the faithful accounting for all the money and property

coming into his hands and for the faithful performance of his duties. All money for commutation or other purposes shall be paid to the Trustee. The District Commissioner shall make a written report to the County Road Commissioner on or before the first Monday in each year, showing what work has been done in his district and what tools are on hand. The District Commissioners shall receive a salary of \$25 per annum out of the road fund. They shall have the care and custody of all road tools and machinery in their districts that belong to their respective districts, and shall be responsible for the same; and should any District Commissioner be called upon by the County Road Commission to perform extra services, he shall receive pay for the same, not to exceed \$1.50 per day. An Overseer shall be paid \$1.50 per day for his services; but if within road age, he shall perform as many days' service as Overseer without compensation upon the first road section he works as are assessed to the road hands. He shall be allowed \$1 for warning in the road hands on each section of road he has in charge. Any money allowed the Overseer by the District Commissioner or otherwise must be expended while he is working the said section with the road hands; but he may contract for broken stone or other material beforehand to be taken at that time.

Compensation  
of District  
Commissioners and  
Overseers.

The District Commissioner may employ him to oversee any other work upon the road at the wages stated above.

No County Road Commissioner, District Commissioner, Overseer, or other road official shall hire to himself any wagon, team, or implement, or sell to himself any material for the road, except in cases of emergency, and in all such cases the cost thereof shall be determined by the County Road Commission; *provided*, nothing in this section shall preclude the County Road Commission from contracting with any of the aforesaid officials for service or material on public highways. Violation of the above provision shall be a misdemeanor, and, upon conviction, the fine shall be equal to the amount involved, and, when collected, shall be paid over to the Trustee to be applied to the road fund of the district in which the offense was committed. It shall be the duty of the Overseer to have the necessary tools procured

Penalty.

County Judge  
to furnish  
blanks, etc.

from the District Commissioner, and at the place appointed for the assembling of the hands, that no time may be lost. The Overseers, Commissioners, and Magistrates shall be furnished by the County Judge or Chairman with a copy of the road law and all necessary blanks required for carrying out the provisions of this Act. The Overseer shall file an itemized statement with both the District Commissioner and the County Road Commission, showing the time, place, and kind of work performed, number and character of tools received from and returned to the Commissioner before he shall receive any pay as such Overseer.

Warrants—  
how signed.

The County Judge or Chairman shall furnish to the District Commissioners and County Road Commission a book of warrants numbered consecutively and stubbed to correspond, which warrants shall be used for payment for necessary expenses on the roads; but the warrants must be countersigned by the Secretary of the County Road Commission and approved by the County Judge before they shall be paid by the Trustee. No District or County Road Commissioner shall make any contract for the public roads with any person related by affinity or consanguinity within the fourth degree, counting by the civil law. It shall be a misdemeanor for any person over road age, having agreed to serve, to refuse to act as Overseer when appointed by the District Commissioner. But no person shall be compelled to act as Overseer for more than two consecutive years.

SEC. 3. *Be it further enacted*, That the Quarterly County Court in session, at the first meeting after the passage of this Act, if it has not previously done so, and annually thereafter at the January term of said court, shall fix the number of days of labor to be required of the road hands, which shall be five days in any one year; and shall at the same time fix the price to be allowed for a day's work on the public roads with wagon, team, and horses and plows in commutation for the labor of a hand; but where an Overseer, Commissioner, contractor, or other person hires wagons, teams, plows, hands, etc., paying for the same with county funds, it shall be their duty to pay only such prices as private persons in the same community are accustomed to pay for the same char-

acter of service, but in no case to pay more than the sum fixed by the Quarterly County Court.

The Quarterly County Court shall, at the January Tax levy. term of each year, levy for road purposes an ad valorem tax on all property (outside of incorporated towns) of not less than 16 cents nor more than 25 cents on each \$100 of taxable property, to be collected by the County Trustee. All money collected by the Trustee under this provision shall be held by him as a separate road fund; *provided*, that 6 cents of this assessment of 16 cents shall be used by the County Road Commission as hereinafter provided in Section 13 of this Act. Two-thirds of the remainder of this tax, collected on this tax levy from a given district, shall be spent on the public roads of that district under the supervision of the District Road Commissioner, and the remainder of said tax levy shall be divided equally between the road districts of the county and shall be expended under the same supervision.

On all privileges not less than one-fourth of the amount levied and collected for county purposes shall be apportioned equally to the several road districts. The Trustee shall receive the same compensation for collecting the road fund as on the county and State taxes.

SEC. 4. *Be it further enacted*, That all male residents of the county between the ages of eighteen and fifty years shall be subject to road duty, except those living in incorporated towns and those who are exempted by the Quarterly County Court in session for physical or mental disability, the order of the court also showing exemption from paying poll tax, if within poll tax age, for the same cause. Road Overseers shall give six days' notice, not counting Sunday, either in person or by written or printed notice left at the residence or usual stopping place of each person subject to road duty, notifying them of the time and place to commence work; also the amount for which they may commute and to whom, and when it shall be paid. In case any hand so notified shall willfully fail or refuse to perform honestly, faithfully, and obediently to the directions of the Overseer as many days' labor on the public road as are assessed against him, he shall be guilty of a misdemeanor, and, on conviction, fined not less than Road duty—  
who liable. Warning.

\$5 and costs. It shall be the duty of the Overseer to report to the District Commissioner all hands so failing or refusing to work public roads; and it shall be the duty of the District Commissioner to swear out warrants against all such delinquents before some Justice of the Peace in his district, and to have summoned the Road Overseer and other necessary witnesses to convict the delinquent. All fines collected from delinquents in any district shall be paid to the County Trustee for expenditure upon the road section to which said delinquents were assigned for road duty; *provided*, that any road hands under the provisions of this Act may commute by paying to the County Trustee, on or before the day appointed for road working, \$1 per day, or by putting an able-bodied hand or hands between the ages of eighteen and fifty years in his place at the time of working the road. No officer in said county shall receive commutation at a less rate than stated above; and if this is violated, it shall be a misdemeanor. All commutation money shall be used to employ labor upon the road section to which the hand so commuting had been assigned. A day's work in the meaning of this Act shall be eight hours of actual labor on the road; *provided*, that, at the discretion of the Overseer, any hand may work ten hours in any one day and be credited with one and a fourth days.

Commutation.

Eight hours a day's work.

New roads.

SEC. 5. *Be it further enacted*, That before any new road shall be built or commenced to be built it shall be definitely decided where it shall run, and between what points, and the right of way absolutely secured and passed upon by the County Attorney. No contract to build a road shall be positively closed by the County Road Commission unless they have a reasonable belief that they can commence the contract within four months or less; and if possible, they should decide to what point they will remove four weeks in advance of removing. Before making any contract to build a new road, the County Road Commission shall give notice four weeks through the weekly county papers of their intention, and request propositions from every portion of the county that desires a road built and what aid they are willing to guarantee to help build said road, but especially showing the importance, necessity, and practicability

Publication.

of said road in order that the Commission may by this means and personal inspection determine what road would be for the best interest of the county and a just division of the benefits of the system, especially considering that all roads leading most directly from the county seat by the nearest route to the county seats of adjacent counties are of paramount importance and must be cared for accordingly, both by the building of these roads and keeping them up; but this is not to be construed as giving any aid to chartered toll roads. But all contracts to build county highways with the county workhouse force, heretofore entered into by the County Workhouse Commissioners with the various citizens, shall be carried out by the County Road Commission in the order and manner in which they have been entered into; *provided*, the rights of way of said roads are obtained and all changes in said roads made in all ways as provided in this Act.

SEC. 6. *Be it further enacted*, That if it should occur at any time that the necessary wagons and teams cannot be otherwise obtained to continue the profitable working of the road, the County Road Commission may hire the necessary wagons and teams as long as needed, the compensation being only such as is usually paid by private persons for such services, and this shall be paid out of the regular funds, and proper warrants signed by the Commission and approved by the County Judge or Chairman.

Wagons and teams may be hired.

SEC. 7. *Be it further enacted*, That the compensation of the County Road Commission shall be \$2.50 per day, each, but not to exceed ninety days in any one year, and they are required at each monthly meeting to file with the Judge or Chairman of the County Court an itemized statement of their time and expenses accrued for the preceding month, and receive from him a warrant drawn upon the contingent special highway fund in payment of the same. A suitable book substantially bound shall be purchased for the use of the County Road Commission, in which the Secretary of the Commission shall keep a record of all work and proceedings of the Commission. This record shall contain in full the reports made to the Quarterly County Court required in this Act; also an itemized account of each member's personal service, giving date and character of

Compensation of County Road Commission.

Records to be kept.

work and number of days, to which each member of the Board shall make oath as to its correctness. For the reports that the Secretary makes out, he shall be allowed a reasonable compensation by the County Judge or Chairman.

To avoid heavy grades, etc.

SEC. 8. *Be it further enacted*, That when the County Road Commission have decided to build a new road or change any road, the main points to be kept in view are that these roads are to endure for ages; therefore, heavy grades are to be avoided, directness to be secured, beds of running streams to be avoided, ditches entirely sufficient for drainage, and the roads so constructed as to drain the water to the ditches, and a roof of broken stones, gravel, or other like material to serve as a roof to keep the roadbed dry. Gravel, cinders, or earth shall be spread over broken stone.

Roads classified.

SEC. 9. *Be it further enacted*, That the public roads shall be divided into four classes as now fixed by law—viz.: Roads of the first class, not more than fifty nor less than twenty-four feet wide; second class, not more than twenty-four nor less than eighteen feet wide; third, not more than eighteen nor less than fourteen feet wide; roads of the fourth class shall be fourteen feet wide.

The County Road Commission shall have the power to change any second, third, or fourth-class road to a higher class; *provided*, that all roads leading most directly from the county seat to the county seats of adjacent counties shall be roads of the first class, together with such roads as have been or may hereafter be so designated by the Quarterly County Court.

Obstructions.

The County Road Commission shall have power and authority to remove, or cause to be removed, any obstruction from the roads and ditches; and if any person so notified shall fail to move said obstruction after notice, he shall be guilty of a misdemeanor, and one of the Commission shall act as prosecutor. It shall be a misdemeanor to place any post, pole, or other obstruction in any public road or ditches thereof.

Tools, etc.

SEC. 10. *Be it further enacted*, That the County Road Commission shall have authority to purchase necessary tools and machinery for the proper working of the roads and pay for the same, as well as



all salaries and work on the various roads and the material for the same, and for bridges not under supervision of the County Court, shall be paid for out of the road fund of the county by warrants signed by the Secretary of the Commission and countersigned by the County Judge or Chairman. Said County Road Commission shall hold regular sessions on the last Monday in every month and special sessions whenever necessary. Said monthly session shall be held at some designated place in the courthouse of said county, and shall last from ten o'clock A.M. until noon, and from one until two and one-half o'clock.

Salaries.

Sessions of  
County  
Road  
Commission.

SEC. 11. *Be it further enacted*, That all applications to open, change, close, or restore to the public use any and all public roads shall be made by written petition to the County Road Commission, stating the district or districts in which the road is located, giving complete description of the present road and the desired changes, and the landowners to be affected thereby. The County Road Commission, within ten days after the application has been filed with them, shall notify the person first named on the petition, as well as all the owners of the lands affected by said changes, of the date on which they will be present at the beginning point mentioned in the petition to act on the application. If any landowner affected by the proposed change is a nonresident, then ten days' written notice to his agent or attorney residing in the county shall be a legal notice. The County Road Commission shall attend at the appointed time and place, if they have given the proper notice as required of them, and shall act upon the application, assess the damages against the county, and report their action to the Judge or Chairman of the County Court, and, with their report, file the original petition, notice to landowners, and a full report of their action on the same, stating the new location of the road so opened, closed, or changed, and the damages allowed by them to the parties damaged. The Judge or Chairman shall have the petition and their report entered upon record in the office of the County Court Clerk, and shall appropriate a sufficient amount of county funds to pay all damages to the landowners affected, and enter the same upon the appropriation docket, and issue his

Opening and  
changing  
roads.

Damages.

warrant for the amount of damages allowed by the County Road Commission, countersigned by the Clerk of the County Court, for the payment of the same. Any interested party may appeal to the next term of the Circuit Court; *provided*, he shall perfect his appeal within ten days from the date of the appropriation for damages made by the County Judge or Chairman.

Power of condemnation.

The County Road Commission may, of its own motion and by its own initiative, open, change, close, or restore to the public use any and all roads, without petition, by observing all the essential requirements as set out above in the case of petitions. When any land is condemned for road purposes, it may be taken at once as in case of railroads or other common carriers, and the owner shall have recourse on the county for damages.

The County Road Commission may adjourn the hearing from time to time and summon witnesses through the County Sheriff or deputies, and shall have power to administer oaths to witnesses. All findings of the Commission shall be spread upon the minutes of the Commission and certified to the County Judge.

May purchase turnpikes.

SEC. 12. *Be it further enacted*, That nothing in this Act shall be construed so as to affect the right of the counties to purchase turnpikes and to pay for them out of special or general funds; but when the roads are so purchased, they are to be turned over to the County Road Commission to be worked and cared for.

Special road tax rate.

SEC. 13. *Be it further enacted*, That 6 cents on the \$100 and all the funds collected by the County Judge or Chairman in any way from the county workhouse prisoners shall be used by the County Road Commission as they may deem best on the special county highways—to wit: Being the roads built or being built by the workhouse hands and the main roads radiating from the county seat by the nearest routes to the county seats of adjacent counties; also for the purchasing or hiring of proper road-working machinery and teams.

The above-mentioned funds collected by the County Judge or Chairman shall be turned over by him to the County Trustee of said county for county road purposes, and said money shall be paid out by said

Trustee on warrants signed by both the Chairman and Secretary of said County Road Commission, and countersigned by the County Judge or Chairman; *provided, however*, that the County Trustee shall not receive any compensation for receiving or disbursing funds collected by the County Judge or Chairman.

SEC. 14. *Be it further enacted*, That the County Road Commission shall elect the Superintendent and necessary guards for the county workhouse at their regular meeting in January of each year. The Superintendent shall be elected for two years, and shall receive his board and fifty dollars per month. The guards shall be elected for one year, and the first guard, who shall act as Superintendent in the absence of the regular Superintendent, shall receive his board and forty dollars per month, and all other guards shall receive their board and thirty dollars per month; *provided, however*, that the above-named salaries shall not operate to reduce any salaries heretofore fixed by said County Road Commission; and, *provided, further*, that said County Road Commission shall not hereafter elect any Superintendent or guards who shall be related to any of said County Road Commissioners by affinity or consanguinity to within the fourth degree, counting by the civil law.

Superintendent and guards of workhouse—compensation of.

SEC. 15. *Be it further enacted*, That whenever the workhouse force shall become so large as to be unwieldy, and that better results could be attained by their division, that the County Road Commissioners may, if they deem it for the best interests of the county, detach a portion of the force to repair such roads or highways as need it the most and are of the most importance, and they shall have the necessary authority to make this effective.

Workhouse force may be divided.

SEC. 16. *Be it further enacted*, That when the County Road Commission shall build a new pike with the county workhouse force, that it shall be the duty of the County Court in quarterly session to levy a special tax upon the abutting property along the proposed highways, and by abutting property is meant the farms, residences, and places touching the proposed road or approaching to within one-fourth mile by direct line to said road. The rate of tax to be paid by said abutting property owners shall be upon the general assessment for purposes of State

Abutting property tax.

and county taxation, and shall in all cases in all parts of the county be 80 cents on each \$100 of the said assessed valuation of said abutting property and collected as other taxes, and be kept by the Trustees for the above purposes; *provided*, that any person shall have a right to work out his assessment with wagons, teams, and hands, if proposing to do so, while the road is under construction, and they shall be allowed the same price for labor, wagons, teams, etc., as are allowed by law in working public roads; but all labor of any character shall be honestly, faithfully, obediently, and efficiently performed, or it shall not be accepted by the Superintendent in charge. The Superintendent shall issue a receipt to all persons who have worked out said tax for the amount so worked out; and when presented to the Trustee of said county, it shall be a credit upon the tax due from said party for the year in which said tax was levied. The provisions of this section shall apply to all contracts heretofore entered into between the County Workhouse Commissioners and certain citizens, *provided* all such citizens shall so desire.

Removal for  
cause.

SEC. 17. *Be it further enacted*, That any County Road Commissioner shall be removed from office by the Quarterly County Court in session for incompetency, inefficiency, or a failure to perform his duties, and that another County Road Commissioner shall be elected to fill out his unexpired term.

Civil engineer  
may be  
employed.

SEC. 18. *Be it further enacted*, That the County Road Commission is empowered, whenever they deem it best, to employ a civil engineer or surveyor to lay off roads or to perform other necessary service that may be required; but their plans must be so arranged as to have the engineer decide upon as many questions at one time as can be conveniently done.

SEC. 19. *Be it further enacted*, That the provisions of this Act shall not apply to counties having a population of less than 42,000 inhabitants nor more than 45,000 inhabitants by the Federal census of 1900 or any subsequent Federal census.

Acts repealed.

SEC. 20. *Be it further enacted*, That Chapter 541 of the Acts of the General Assembly of the State of Tennessee of 1905, being an Act to regulate the working and the laying out of public roads in this State

in the counties containing not less than 42,000 nor more than 45,000 inhabitants by the Federal census of 1900 or any subsequent Federal census, and all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 245.

### SENATE BILL No. 185.

(By Mr. Ward.)

AN ACT authorizing the issuing of charter for waterworks, ice plants, electric lighting plants, and water, ice, and electric power plants or system under one and the same charter of incorporation; *provided*, this provision of this Act shall apply only to counties having a population of not less than 20,920 and not exceeding 22,117, and counties having a population of not less than 39,400 and not exceeding 39,450, according to the Federal census of 1900 or any subsequent Federal census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons, firms, partnerships, copartnerships, and all chartered corporations within towns, cities, or villages in this State, with a population of not more than five thousand (5,000) inhabitants according to and computed by the Federal census of 1900 and any subsequent Federal census, may operate under one and the same management, and may take out charter of incorporation under the provisions of this Act to acquire both real and personal property for the purpose of

Applies to  
Lauderdale,  
Sevier, and  
Gibson  
Counties.

constructing, putting in operation, equipping, and maintaining a system of waterworks and electric-lighting plant and ice plant, under one and the same charter, grant, or privilege of incorporation authorized by this Act; and under the grant and the provisions and restrictions of this Act authority is given whereby any persons, firms, partnerships, copartnerships, and chartered corporations may obtain a charter of incorporation as one charter, grant, or privilege of incorporation under this Act, and may organize a company or corporation and operate under the same to acquire both real and personal property for the purpose of constructing, operating, putting in, equipping, and maintaining, and may put in, build, or erect a system of waterworks and a system of water power company and an ice plant for the purpose of manufacturing and making ice, electricity, and furnishing water, ice, and electricity for all purposes to the said cities, towns, or villages or the inhabitants thereof, and to firms, partnerships, and corporations, as well as to individuals thereof, and to individuals, firms, corporations, partnerships, and copartnerships beyond the limits of said towns, cities, or villages under contract; *provided, however*, that but one charter of incorporation under this Act shall be granted to the same parties whereby they may operate at more than one place at one time an electric plant, waterworks or ice plant or system; *provided, further*, that nothing in this Act shall be construed as an inhibition to the taking out of a separate charter for any of the purposes herein expressed under provisions made and heretofore provided by law:

SEC. 2. *Be it further enacted*, That all powers, privileges, and authority now by law conferred upon waterworks companies, electric-lighting companies, ice companies, and water or electric-power companies, and electric-lighting, heating, and power companies and restrictions touching same not inconsistent with the provisions in this Act contained and that are applicable to companies or corporations organized or chartered under this Act are applicable to all corporations created and chartered by and under this Act; *provided*, that the provisions of this Act shall apply only to counties having a population of not less than 20,920 and not exceeding 22,117, and counties having

a population of not less than 39,400 and not exceeding 39,450 according to the Federal census of 1900 Gibson County. or any subsequent Federal census.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 24, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 246.

### HOUSE BILL No. 827.

(By Mr. Townsend.)

AN ACT to be entitled An Act to incorporate the town of Waynesboro, in the county of Wayne, and to provide for the government thereof.

## ARTICLE I.

### CORPORATE NAME AND BOUNDARIES.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the inhabitants of the town of Waynesboro, in the county of Wayne, be, and they are hereby, constituted a body corporate under the name and style of the "Town of Waynesboro," and under that name may have perpetual succession; may sue and be sued, plead and be impleaded; grant, receive, purchase, and hold real, mixed; and personal property; and may have and

use a corporate seal, and may alter the same at pleasure.

SEC. 2. *Be it further enacted*, That the corporate boundaries of the town of Waynesboro shall be as follows—to wit:

**Boundaries.**

Beginning at the mouth of the Cole, or Morris, Branch, at a stake in the west bank of Green River; thence up said branch with its meanders to the north boundary line of J. McWilliams' lot; thence east to the northeast corner of said McWilliams' horse lot; thence south to the southeast corner of Mrs. N. A. Cole's lot; thence west to the southeast corner of J. E. Cole's lot; thence south to a stake in the Buchanan and Boyd field, which stake is due east of the southeast corner of John Turman's lot (known as the M. L. Gower lot); thence south to said Turman's southeast corner; thence west with the south boundary line of said Turman's lot, and the south boundary line of what is known as the McGee lot, to the west side of the Waynesboro and Florence Road; thence south with the same to a stake, which is due west of the northwest corner of the lot now owned by T. J. Haggerty; thence west and north, so as to include the premises of John H. Taylor, to the Savannah Road; thence in a northern direction to the southwest corner of what is known as the J. H. Braden lot; thence northwardly to the southwest corner of the A. B. Cole lot; thence north to the Cole, or Morris, Branch; thence up said branch to the east boundary line to the lot of Pina Ross (colored); thence in a northern direction to the southwest corner of the Waynesboro School lot; thence north with the west boundary of the same to the northwest corner thereof; thence in a northern direction to the southwest corner of P. H. Craig's grass lot; thence north with the west boundary of the same to the northwest corner thereof; thence east with the north boundary of the same to the southwest corner of Dr. H. C. Boyd's lot; thence north with the west boundary of the same to the northwest corner thereof; thence east with the north boundary of the same to the lot known as the T. F. McAnally, or Greeson, lot; thence north with the west boundary of the same and with the west boundary of the Col. G. W. Boyd lot to the northwest corner of the same; thence east with the north boundary of the same to the west



bank of Green River; thence up the west bank of said river, with its meanderings, to the beginning.

SEC. 3. *Be it further enacted*, That the officers of the town of Waynesboro shall consist of a Mayor and five (5) Aldermen, to be elected by the qualified voters of said town; a Recorder and a Marshal, to be elected by the Board of Mayor and Aldermen; and said Board may elect such other officers as they may deem necessary for the protection of health, life, and property in said town.

Officers of town.

SEC. 4. *Be it further enacted*, That an election shall be held the first Saturday in June, 1909, and every two years thereafter for the purpose of electing a Mayor and five Aldermen for the town of Waynesboro. The officers so elected shall be qualified voters in said election, and shall hold their offices for two years, or until their successors are elected and qualified, unless their term of office is sooner terminated by death, removal, resignation, or otherwise.

Terms of Mayor and Aldermen.

SEC. 5. *Be it further enacted*, That on the first Monday in June following said election the elected officers for said corporation shall, before entering upon the discharge of their respective duties, subscribe to an oath (before some officer entitled to administer the same) faithfully, honestly, and impartially to perform all duties incumbent upon them as such officers.

SEC. 6. *Be it further enacted*, That immediately after their qualification the said Board of Mayor and Aldermen shall proceed to the election of a Recorder and Marshal for said corporation, who shall serve for two years, unless sooner removed for cause, or until their successors are elected and qualified. Before entering upon the discharge of their duties the Recorder and Marshal shall subscribe to an oath before the Mayor to faithfully and honestly discharge their duties, and enter into a bond in a sum to be fixed by said Board of Mayor and Aldermen, to faithfully account for all moneys coming into their hands as such officers, said bonds to be approved by and filed with the Mayor.

Terms of Recorder and Marshal.

SEC. 7. *Be it further enacted*, That the Board of Mayor and Aldermen shall have power to remove from office the Recorder, Marshal, or other officer of the town for any misconduct in office or otherwise at any regular meeting of said Board; and if a va-

Vacancies.

cancy should occur in the office of Mayor, the Board of Aldermen shall, at the next regular meeting of said Board of Mayor and Aldermen, fill said vacancy for the unexpired term. In the absence or inability of the Mayor to attend any regular or special meeting of the Board, the Recorder shall call the meeting to order. If a quorum be present, the Board shall proceed to elect a Mayor pro tem for said meeting; and said Mayor pro tem, while acting, shall have the same power in all matters as delegated to the Mayor by this Act; and if a vacancy should occur in the office of Aldermen, it shall be filled in the same way and manner as the office of Mayor.

Meetings of  
Mayor and  
Aldermen.

SEC. 8. *Be it further enacted*, That the Board of Mayor and Aldermen shall by ordinance fix the time of the regular meeting of said Board, and there shall not be less than one regular meeting in each month, and whenever, in the opinion of the Mayor, the public welfare of the town demands it, he shall call a special meeting of the Board of Mayor and Aldermen by a written call, which shall be served by the Marshal or a policeman upon all Aldermen then in the town, and due returns made of said service to the Mayor. The call shall specify the purpose of said meeting, and the call, together with the officer's return, shall be spread upon the minutes of the meeting, and the business of such meeting shall be restricted to the objects so stated in said call. If, in the absence of the Mayor, a majority of the Aldermen of the town be of opinion that the welfare of the town demands that a special meeting be called, a written notice shall be given the Recorder, signed by a majority of the Aldermen, stating the purpose of the meeting and the date for which the meeting shall be called. The Recorder shall forthwith issue a call as set out in said notice, which shall be served in the same manner as if called by the Mayor. A majority of the members of the Board of Mayor and Aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

SEC. 9. *Be it further enacted*, That the Board of Mayor and Aldermen may determine its own rules of procedure, except as herein provided, and prescribe punishment for members or other persons for

disorderly conduct during the meetings of said Board and enforce the same. But the Mayor and Aldermen shall receive no salary or compensation for their services. The compensation of all other officers of said town shall be fixed by the Board of Mayor and Aldermen, and may be changed or altered from time to time as the necessities and requirements may demand.

Sec. 10. *Be it further enacted*, That all proposed Ordinances. ordinances of the town of Waynesboro shall be reduced to writing, and shall be passed on three different ways [days] by the Board of Mayor and Aldermen. The Board of Mayor and Aldermen shall have control of the finances of the town and all property belonging to the corporation—real, personal, and mixed—and shall have power by ordinance:

1. To levy and collect taxes upon all property, Tax levy. polls, and privileges in the town of Waynesboro taxable under the laws of the State of Tennessee; to license, tax, and regulate all lawful occupations, privileges, business places, amusements, declared to be privileges by the laws of the State; to establish quarantine regulations and laws, and to enforce the same within the town and within one mile thereof, and to secure the general health of the inhabitants by any necessary means; to declare, prevent, or abate nuisances on public or private property, and the causes thereof.

2. To regulate the storing of illuminating oils, dynamite, gunpowder, and all other explosives or combustibles; to regulate or prohibit the use of firearms and fireworks of all kinds; to organize, equip, maintain, and regulate fire companies; to open, alter, Streets. widen, abolish, extend, grade, pave, or otherwise improve and keep in repair the streets, alleys, sidewalks, drains, and sewers, and to erect, establish, and repair bridges and culverts; and to provide for the lighting of streets, planting and protection of shade trees upon the streets, or other public grounds; and to regulate hitching places.

3. To grant the right of way over the streets and alleys, etc., for public carriers, electric wires, water or gas pipes, and for such other purposes as the Board may deem proper, and to regulate such use of the streets; to remove all obstructions from the streets, alleys, and sidewalks within said town, and

to prevent and remove all encroachments upon or into said streets, alleys, and sidewalks.

Disorderly  
resorts.

4. To prohibit and suppress obscene books, papers, or pictures, bawdy houses, gambling houses, and disorderly houses of all kinds; to prevent and restrain riots, noises, disturbances, disorderly assemblages in any street, house, or place within the town; and to enforce all such police regulations as may be necessary and proper for the protection and welfare of the citizens and property of the town.

Workhouse.

5. To provide for the arrest and confinement until trial of all persons violating any ordinance of the town by day or night; to establish and maintain a workhouse for the town (provided the Board of Mayor and Aldermen may declare the county jail of Wayne County as said workhouse), and to provide for the commitment of persons convicted of offenses against the ordinances of the town, and who fail to pay or secure the fines and costs imposed upon them, and to provide for the working of such persons upon the streets or alleys of said town, under proper guards, at such wages as may be fixed by the ordinance.

6. To appropriate money and to provide for the payment of the expenses of the town; to enact all ordinances, rules, and regulations necessary and proper for carrying into execution the provisions of this Act for the good order, health, and general welfare of the town and for the protection of any public or private property, and to enforce the same by proper penalties.

7. To buy, sell, rent, or lease real or personal property, and erect all buildings as may be necessary for the town, either within or without the boundaries of the town, and control and regulate the same.

8. To sell and convey by deed any real property it may own, and appropriate the proceeds thereof to public-school purposes, such application of such funds to be made as may be directed by the Board of Mayor and Aldermen by ordinance or resolution.

Water and  
light plants.

9. To own, construct, or build water and lighting plants for said town, and sell and furnish the residents thereof and other persons with lights and water by issuance of bonds or otherwise; *provided* no taxes shall be levied or bonds issued for owning,

building, or constructing said water or light plants, unless same shall be ratified by a majority vote of the residents of said town by an election to be held for that purpose, to be called by said Board of Mayor and Aldermen, to be held by the Sheriff of said county in the same manner and under the same conditions as other elections of said town are held.

SEC. 11. *Be it further enacted*, That the executive powers of said town shall be vested in a Mayor; a Marshal, who shall be ex officio Chief of Police; and as many policemen as the Board may deem necessary. The Mayor shall be the Chief Executive officer of the town, and shall preside at all meetings of the Board of Mayor and Aldermen, but shall have no vote, except in case of a tie, and shall perform such other duties as may be proper for the Chief Executive not otherwise provided for in this Act. He shall have power to make pro tempore appointments to fill vacancies caused by sickness, absences, or other disability of officers elected by the Board, and to suspend any such officer for misconduct in office or neglect of duty, reporting his action and the reason therefor to the next regular meeting of the Board.

Powers and duties of Mayor and Marshal.

SEC. 12. *Be it further enacted*, That it shall be the duty of the Recorder to be present at all meetings of the Board of Mayor and Aldermen; to keep a full and accurate account of all business transacted, the same to be preserved in permanent book form; and he shall also record, in a book kept for that purpose, all ordinances passed by said Board. He shall also keep an accurate and full account of the finances of the town, showing all receipts and disbursements, and shall submit an itemized report of same to the Board of Mayor and Aldermen annually at its June meeting, or at such time as the Board of Mayor and Aldermen may prescribe, which reports shall be spread upon the records of the town.

Duties of Recorder.

SEC. 13. *Be it further enacted*, That the Recorder of the town shall be the Tax Assessor for said town, and, for the purpose of making the assessment for taxes for the town, he shall have access to the records of the County Court Clerk of Wayne County, but in no case the assessment for municipal purposes shall exceed the assessment for county purposes. He shall make a tax book and duplicate tax book for the town, and on or before the first day of December

Tax assessment.

Tax books.

of each year he shall deliver to the Marshal one of said tax books, the other to remain in his office as a permanent record.

Treasurer.

SEC. 14. *Be it further enacted*, That the Recorder of the town shall also act as Treasurer of the town, and shall receipt for all moneys coming to his hands as Treasurer, and shall disburse the same only by the authority of the Board of Mayor and Aldermen on vouchers approved by the Mayor. He shall have custody of all the records of the town, the original ordinances, contracts, deeds, and other papers, and, when required, shall make copies of and certify same, receiving such fees for such copies as may be fixed by ordinance.

Custody of records, etc.

City Court.

SEC. 15. *Be it further enacted*, That the Recorder of the town of Waynesboro is hereby vested with full power and authority to try all offenses for violation of the ordinances of the town, and he shall be allowed the same fees for like services as are allowed by law to Justices of the Peace. Said Court shall have the power and authority to preserve order and to punish for contempt by fine or imprisonment.

SEC. 16. *Be it further enacted*, That in the absence of the Recorder, the Mayor is hereby authorized to act in his stead, and the Mayor, while so acting, shall be vested with the same powers as the Recorder when so acting.

Appeals.

SEC. 17. *Be it further enacted*, That all persons convicted before the Recorder of Waynesboro shall have the right of appeal to the Circuit Court of Wayne County as from a Justice of the Peace.

Warrants, etc.

SEC. 18. *Be it further enacted*, That all process issued from said Recorder's Court shall run in the name of the "State of Tennessee," and all warrants for the arrest of persons for violation of ordinances of the town shall be issued within twelve months from the date the offense is committed, and the style of all cases shall be the "Mayor and Aldermen of the town of Waynesboro vs. . . . ."

Powers of police.

SEC. 19. *Be it further enacted*, That the Marshal or any policeman may, upon view, arrest any person who may be guilty of a violation of any ordinance of the town, or an offense against the State of Tennessee, and he is empowered to serve process of any kind issued by the Recorder's Court, and to serve

process in criminal matters issued by a Justice of the Peace within the town. For all such services he shall receive the same fees as is allowed by law to Sheriffs and Constables for like service.

SEC. 20. *Be it further enacted*, That the Marshal Tax Collector. shall be the Tax Collector for the town of Waynesboro, and shall collect all taxes, except as hereinafter provided for, and all taxes, except privileges and merchants' ad valorem taxes, shall become due and payable the first Monday in December of the year for which taxes are assessed, and he shall pay all moneys by him collected over to the Treasurer, taking his receipt. A penalty of four per cent shall be added and collected by the Marshal, and paid over to the Recorder as Treasurer on all taxes not paid within three months after it becomes due. After the first Monday in March of each year, the tax books in the hands of the Marshal shall have the power and effect of an execution from a court of record, and he shall have power to force the collection of past due taxes against persons so assessed by levy and sale, as under execution from a Justice of the Peace.

SEC. 21. *Be it further enacted*, That all property and privileges and all persons subject to poll tax under the general laws of the State shall be subject to municipal taxes. The Board of Mayor and Aldermen shall proceed by ordinance to make a proper levy to meet the necessary expenses of the town for the current year, and shall fix the amount of privileges and poll taxes; but the levy so made shall in no case exceed the amount levied by the State for State purposes. All privileges and merchants' ad va- Privileges. lorem taxes shall be collected by the Recorder, who will issue a proper license or receipt for same, but no license shall be issued for less than three nor more than twelve months, and a fee of 50 cents shall be charged for the issuance of all privilege license, to be paid by the party obtaining the license.

SEC. 22. *Be it further enacted*, That all deeds, Contracts. bonds, and contracts shall be signed by the Mayor and countersigned by the Recorder upon the authority being given by the Board of Mayor and Aldermen.

SEC. 23. *Be it further enacted*, That the ordinances old laws. of the town of Waynesboro in force at the time of the repeal of the charter of incorporation of the said

town shall be the laws and ordinances of the town of Waynesboro until, and including the fifteenth day of October, 1909, except as otherwise provided for in this Act.

Qualifications  
of electors.

SEC. 24. *Be it further enacted*, That the elections held for the election of Mayor and Aldermen, as provided in this Act, shall be held by the Election Commissioners, as provided in general law in such cases. The qualification for voters shall be the same as required by law in general elections, except no person will be entitled to vote in the election for Mayor and Aldermen who has not been a bona fide resident of the town for six months prior to the date of election; and the Commissioners shall file with the County Court Clerk duly certified returns of the first election under this Act, including one copy of the original poll lists and tally sheets. The returns of all other elections shall be turned over by said Commissioners to the Recorder of the town.

SEC. 25. *Be it further enacted*, That the Recorder of the town of Waynesboro shall be a resident and qualified voter of the town. The Board of Mayor and Aldermen may, if they deem it expedient, elect some one not a resident as Marshal, and they may, if they deem it for the best interests of the town, provide by ordinance for all fees to be paid into the treasury, and allow salaries instead.

Succession of  
city.

SEC. 26. *Be it further enacted*, That the corporation created hereby shall succeed to, and be vested with, all the property and rights held by the old corporation of the town of Waynesboro at the time of the repeal of the charter thereof by Chapter 153 of the Acts of the General Assembly of the State of Tennessee of 1897, said Act being passed April 29, 1897, and shall be liable for the debts of said old corporation, and shall have the right to institute and maintain actions at law or in equity for all trespass upon the property held by said old corporation at the time of the repeal of its charter aforesaid committed since said repeal; and to institute and maintain suits at law or in equity for all timber cut and removed or property taken from the lands owned by said corporation at the time of the repeal of the charter aforesaid since said repeal.

SEC. 27. *Be it further enacted*, That this Act take



effect from and after the first day of June, 1909, the Date effective.  
public welfare requiring it.

Passed April 24, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 247.

### HOUSE BILL No. 670.

(By Messrs. Galloway and Lipscomb.)

AN ACT to provide for the election of a Live Stock Inspector in counties of this State having a population of not less than forty-two thousand (42,000) nor more than forty-five thousand (45,000) inhabitants according to the Federal census of 1900 or any subsequent Federal census, and to fix the length of the term of said office and the compensation thereof, and to repeal Section 2 of Chapter 68 of the Acts of the General Assembly of the State of Tennessee of 1907, being an Act to amend an Act entitled An Act to prevent the spread of communicable diseases among domestic animals in the State of Tennessee, and to provide greater protection to the live stock industry of the State, and to provide penalties for violation of this Act, and to repeal Chapter 424 of the Acts of 1899, and to amend Chapter 156 of the Acts of 1901, passed April 19, 1901.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 2 of said Chapter 68 of the Acts of 1907 be amended and changed so as to read as follows:

Applies to  
Maury  
County.

“*Be it enacted*, That the Quarterly County Courts of counties affected by this Act shall, at their first session, either regular or adjourned, after the passage of this Act, elect a competent person to be known as “County Live Stock Inspector,” whose duty shall be to look after the detection and suppression of communicable diseases among domestic ani-

County Live  
Stock  
Inspector.

mals in his county under the laws of the State of Tennessee, and under such rules and regulations as may be promulgated by the State Live Stock Inspector."

Compensation  
and term.

SEC. 2. *Be it further enacted*, That said County Live Stock Inspector shall receive \$50 per month for his services, to be paid out of the county treasury, and his term of office shall continue until the first Monday of April, 1911, at which time his successor shall be elected, and biennially thereafter.

SEC. 3. *Be it further enacted*, That the provisions of this Act shall not apply to counties having a population of less than 42,000 or over 45,000 inhabitants by the Federal census of 1900 or any subsequent Federal census.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 248.

### HOUSE BILL No. 673.

(By Messrs. Leach and Whitfield.)

**AN ACT** to authorize the city of Clarksville to issue \$25,000 of coupon bonds for the purpose of improving its streets, and to levy a special tax for the purpose of paying the principal and interest on said bonds, and to repeal an Act bearing the same title as this Act, being Chapter 127 of the Acts of 1907.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this Act the city of Clarksville be, and it is hereby, authorized to issue its coupon bonds in the sum of twenty-five thousand dollars (\$25,000), bearing not more than four and one-half ( $4\frac{1}{2}$ ) per cent interest, payable semiannually, for the purpose of improving its streets. Said bonds shall be denominated "Street Improvement Bonds;" shall be dated as the City Council may see fit, but not later than January 1, 1911; shall bear not more than four and one-half ( $4\frac{1}{2}$ ) per cent interest, payable semiannually; shall be due and payable twenty (20) years after date, but redeemable at the option of the city ten (10) years after date; and shall be in denominations of five hundred dollars (\$500), numbered from 1 to 50, inclusive.

Amount of bonds.

Interest rate and denominations.

**SEC. 2.** *Be it further enacted,* That for the purpose of paying the principal and interest on said bonds, said city is authorized to levy and collect a special tax of not exceeding ten cents on the one hundred dollars' worth of property. The tax so collected shall be paid to three Sinking Fund Commissioners, to be elected by the City Council, and said Sinking Fund Commissioners shall use said funds to pay the principal and interest on said bonds and for no other purpose.

Tax levy and sinking fund.

**SEC. 3.** *Be it further enacted,* That Chapter 127 of the Acts of 1907, having the same title as this Act, be, and the same is hereby, repealed, and that this

Chapter 127, Acts 1907, repealed.

Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WM. KINNEY,**  
*Speaker of the Senate.*

Approved April 27, 1909.

**MALCOLM B. PATTERSON,**  
*Governor.*

## CHAPTER 249.

### HOUSE BILL No. 248.

(By Mr. Hall.)

A BILL to be entitled An Act to provide for the qualification of juries in criminal cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, notwithstanding a person presented as a juror in a criminal case may state that he has formed and expressed an opinion as to the guilt or innocence of the accused, based upon newspaper statements or like sources of information, still, if he will further state on oath that notwithstanding such opinion, if chosen as a juror, he believes he can give the defendant a fair and impartial trial upon the law and the evidence, and the trial judge should be of opinion that he is a fair juror, then such person may be accepted as a juror, *provided* he is otherwise qualified to act as a juror in the case.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24, 1909.

M. HULLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 250.

### HOUSE BILL No. 264.

(By Mr. Matthews et al.)

AN ACT to be entitled An Act to permit banks and trust companies in the State of Tennessee in counties of this State that have a population of 120,000 or more and less than 150,000 inhabitants by the Federal census of 1900, or that may have that number of inhabitants by any subsequent Federal census, now chartered and organized, or that may hereafter be chartered and organized, under the laws of the State of Tennessee, for the purpose of conducting and carrying on such business in the State of Tennessee, to secure the performance of their fiduciary obligations by a deposit with the State Treasurer.

Applies to  
Davidson  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all banks and trust companies in the State of Tennessee, in counties of this State that have a population of 120,000 or more and less than 150,000 inhabitants by the Federal census of 1900, or that may have that number of inhabitants by any subsequent Federal census, now chartered and organized, or that may hereafter be chartered and organized in the State of Tennessee under Chapter 168 of the Acts of the General Assembly of 1883 and Acts amendatory thereto, with a paid-up capital of not less than \$100,000, for the purpose of conducting and carrying on a savings, safe deposit and trust banking business in the State of Tennessee, may deposit the sum of twenty-five thousand dollars (\$25,000) consisting of lawful money of the United States or an equal amount in bonds of the United States or the bonds of the State of Tennessee with the State Treasurer, and upon making of the aforesaid deposit such banks and trust companies shall have the right to assume such trusts and to act in such fiduciary capacities as permitted by their charters.

SEC. 2. *Be it further enacted*, That said deposit made with the State Treasurer shall be held by the State Treasurer as security for the performance of the obligations incurred by such banks and trust companies in their fiduciary capacities.

SEC. 3. *Be it further enacted*, That upon making

such deposit with the State Treasurer, said State Treasurer shall issue to such bank and trust company a certificate setting forth the fact that such deposit has been made and authorizing such bank and trust company to assume, execute, and discharge the aforesaid trusts, and said certificate shall be filed in the office of the Clerk of the County Court in the county in which said bank or trust company assume such trusts.

SEC. 4. *Be it further enacted*, That upon complying with the aforesaid provisions, said banks and trust companies shall be permitted to assume, execute, and discharge said trusts without executing any other or additional bond or security; *provided*, the court may require other and additional security in all cases where the court may deem it proper and necessary so to do.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 251.

### HOUSE BILL No. 279.

(By Mr. Worley.)

AN ACT to amend an Act entitled An Act to protect the fish in any running streams, lakes, or ponds in Sullivan County, the same being Chapter 494, House Bill 781, of the Acts of 1907. Amend so as to except the South Fork of the Holston River from the provisions of this Act, and any branch or creek flowing into the South Fork of Holston River.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That this Act be, and the same is hereby, amended by adding after the last words in Section 1 the following: "*Provided*, that this Act shall not apply to the South Fork of the Holston River, in Sullivan County nor shall said Act apply to any branch or creek flowing into said South Fork of Holston River."

SEC. 2. *Be it further enacted*, That this Act take effect on and after its passage, the public welfare requiring it.

Passed April 21, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Adopted April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 252.

### HOUSE BILL No. 360.

(By Mr. Crisman.)

**AN ACT** authorizing Quarterly Courts in counties having a population of not less than 26,424 and not more than 26,430 according to the Federal census of 1900, or any subsequent Federal census, to compensate the Bridge Commissioners of such counties, not exceeding five in number, and to fix the compensation.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Quarterly Courts in counties having a population of not less than 26,424 and not more than 26,430 according to the Federal census of 1900 or any subsequent Federal census be, and the same are hereby, authorized and empowered to compensate the Bridge Commissioners of such counties, not exceeding five in number, for their services as such, the compensation allowed not to exceed one dollar and fifty cents (\$1.50) per day for each Commissioner for the number of days which said Commissioners are actually engaged in the discharge of the duties imposed upon them.

Applies to  
Williamson  
County.

Compensation  
of Bridge  
Commissioners.

**SEC. 2.** *Be it further enacted,* That said Quarterly Courts may make an appropriation for the payment of such compensation out of the county treasury; and when appropriated, the same shall be paid upon the warrant of the Judge or Chairman of the court.

**SEC. 3.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

Approved April 27, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

## CHAPTER 253.

### HOUSE BILL No. 414.

(By Mr. Cole.)

AN ACT to incorporate the town of Peryear, in the county of Henry, and to prescribe its duties and powers, and to provide for its election of officers and prescribe their duties.

Boundaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Peryear, in the county of Henry, and the inhabitants thereof, within the boundaries hereinafter specified, be, and are, constituted a body politic and corporate by the name and style of "Peryear," the boundaries of said town to be as follows. Boundaries: Beginning at a rock north of the northwest corner of W. R. Littleton's farm on Paris and Crossland Road; running south with said Littleton's line 517 yards to a forked red oak tree; thence west 133 yards to a rock; thence south 633 1-3 yards to a rock line between J. T. Littleton and N. L. Valentine; thence east with said line 1,033 yards to a rock in Dr. Johnson's field; thence north 1,150 yards, following line between J. G. and R. L. Littleton; thence west 1,017 yards to the beginning.

General powers.

SEC. 2. *Be it further enacted*, That the corporation aforesaid shall have perpetual succession by such name and style; shall sue and be sued, implead and be impleaded in all courts of law and equity and in all actions whatsoever; may purchase and hold property, real and personal, within said town, and also beyond the town limits for the burial of the dead, workhouses, and houses of correction, and for such other purposes as may be needed for such other purposes, and shall have the power to do all acts touching the same as natural persons. There shall be a common seal for said corporation, which may be changed at pleasure of the Board of Mayor and Aldermen.

Officers of Town.

SEC. 3. *Be it further enacted*, That the officers of said town, to be elected by the people, shall be a Mayor, four Aldermen, Recorder, and Marshal, all of

whom shall be elected for a period of one year. No person shall be qualified to hold the office of Mayor or Aldermen unless he has resided within the limits of this corporation for one year at the time of his election, nor shall any person hold the office of Alderman [Alderman] unless he be the bona fide owner of real property of the assessed value of fifty dollars, and all other officers elected by the people shall be resident voters of said city.

SEC. 4. *Be it further enacted*, That the first election for Mayor, Board of Aldermen, Recorder, and Marshal under this Act shall be held by the Election Commissioners of Henry County on the first Saturday in May, 1909, in accordance with the laws of Tennessee. All elections thereafter for said corporation shall be held by the said Election Commissioners on the first Saturday in May and every year thereafter upon ten days' notice, and who shall, within five days, certify to the Recorder of said town the result of said election, and those receiving the greatest number of votes for the respective offices shall be declared elected. The voters shall vote by ballots under such rules and regulations as the Legislative Council shall provide by ordinance and as hereafter provided.

First election.

Annual elections.

SEC. 5. *Be it further enacted*, That the following shall be the qualification for each voter under this Act:

Qualifications of electors.

1. He shall be qualified to vote for State and county officers.

2. He shall have paid the State and county tax assessed against him for the year preceding said election, where subject to the payment of said tax, as required by the general law of the State.

3. He shall have paid his corporation poll tax for the year preceding said election, where subject to said tax.

4. He shall have resided for six months preceding said election within the city limits, or shall have been a bona fide owner of real estate within said corporation of the assessed value of fifty dollars for six months previous to said election.

SEC. 6. *Be it further enacted*, That the officers elected as above provided shall be inducted into office on the second Tuesday in May following said election, from which time their term of office shall be

Installation of officers.

computed, and shall hold until their successors are elected and qualified.

**Legislative  
Council.**

SEC. 7. *Be it further enacted*, That there shall be a Legislative Council, to be composed of the Mayor and four Aldermen herein provided for. Said Council shall meet in regular session on the second Tuesday in each month, unless otherwise provided for by ordinance. The Mayor shall preside over the meetings of said Council, and the Recorder shall keep the minutes of the same. They shall elect one of their number President pro tempore of the Council, who shall preside in the absence of the Mayor. They may provide rules for governing their deliberations, compel the attendance of a quorum, which shall consist of three members, and may by ordinance provide for the punishment of any person in contempt of the Council; may provide for the summoning of witnesses before them or any committee or board by them created or elected and enforce their attendance.

**Duties of  
Recorder.**

SEC. 8. *Be it further enacted*, That it shall be the duty of the Recorder to collect all merchants' and privilege taxes or other funds by him collected, and all funds that should otherwise come into the town treasury. He shall perform all duties heretofore and that usually devolve upon the office of Treasurer. He shall keep a separate account of all revenues collected by him from merchants' and privileges in a well-bound book provided for that purpose. He shall also keep an account of all funds by him collected from the Marshal and all other sources, and shall each month transcribe to said book the totals collected from merchants' and privileges, and shall enter to the proper account all disbursements on said book, to be known as the "Recorder's Cashbook," and shall keep such other books as may be prescribed by ordinance. He shall have care and supervision of all corporation property, except where otherwise provided by this Act or by ordinance of the city.

**Duties of  
Mayor.**

SEC. 9. *Be it further enacted*, That it shall be the duty of the Mayor to see that all the laws and ordinances of the city are enforced, observed, and respected. He shall preside over the deliberations of the Legislative Council; shall have a vote in all matters coming before same, and may call same in extra session whenever he may deem it expedient.

**SEC. 10.** *Be it further enacted,* That the Recorder shall make out the city tax books, and in doing so shall be governed by the assessment made by the county authorities for the State and county purposes. He shall have authority to divide the assessment of the property lying in and partly out of the city limits, and to supplement any omitted property. Taxation.

The Marshal shall have like authority to make supplemental assessment after the tax book has gone into his hands as hereinafter provided. All real and personal property and all polls within said city shall be assessable as of the tenth day of January preceding the passage of this Act and on the tenth day of each succeeding January of each year. The rate of taxation to be levied by the Legislative Council shall not exceed one dollar on each one hundred dollars of assessable real and personal property for any one year, nor over one dollar on each poll for one year.

**SEC. 11.** *Be it further enacted,* That the Recorder shall deliver the tax book to the Marshal on the first day of October of each year, and it is hereby made the duty of the Marshal to collect said taxes, making settlements therefor as often as may be required by ordinance. He shall also collect all fines due the city and settle therefor as often as may be required by ordinance.

**SEC. 12.** *Be it further enacted,* That the taxes placed in the Marshal's hands shall become delinquent the first Tuesday in February unless otherwise provided by ordinance, and it shall be the duty of the Marshal to make sworn report to the Recorder of all delinquent taxes on realty, personalty, and polls not paid on said day, or as soon thereafter as he may be required by ordinance, and from such day all such taxes shall be subject to a penalty of six cents on each dollar of taxes due, and same shall also bear interest from said date. It shall be the duty of the Recorder to make out a list of such delinquent taxes, with penalty attached, and such additional cost as attach in case of State and county taxes in favor of the officer performing like services. Such list, when made out and certified to by the Recorder, shall have the same force and effect of a judgment at law, and the Recorder may, within thirty days after the certification of said list, and shall after Delinquent  
list.

**Distress  
warrants.**

thirty days following such certifications, issue distress warrants against such delinquent addressed to any lawful officer, which shall be levied upon the goods, chattels, lands, and tenements of such delinquent in like manner as executions are from Justices' judgment. A lien shall exist in favor of the town of Peryear upon all property for unpaid taxes and costs as is by the laws of the State provided in case of State and county taxes, and said distress warrant may be levied upon the property against which said taxes are due, a description of same appearing in said warrant. The officer into whose hands such warrant may come shall make due return thereof within the time as is provided in case of execution issued from judgment of Justices of the Peace to the Recorder, and where land is levied upon the Recorder shall return the same into Circuit Court of Henry County for condemnation and sale of the land, which said Circuit Court is here empowered to do as in like cases of executions issued from Justices' Court.

SEC. 13. *Be it further enacted*, That there shall be a lien upon all stocks of goods, wares, and merchandise for all taxes due the town, and no transfer thereof shall be valid as far as the town is concerned until all taxes due the town shall have been paid, and the Recorder shall have the power to issue distress warrants to effect the collection thereof or for any privileges as County Court Clerks have under the laws of the State. The Legislative Council shall have power to impose such penalties and fines to take out license where the same is required and they may see proper.

**Powers of  
Legislative  
Council.**

SEC. 14. *Be it further enacted*, That the Legislative Council shall have the power:

1. To levy and collect taxes on real and personal, polls, privileges, and merchants taxable by the laws of the State, and to pass all laws necessary to the proper exercise of such authority.

2. To provide for the appointment of a Board of Health, to define its duties and powers, and to provide all necessary means by ordinance for the enforcement of same within the town and within one mile beyond the limits thereof; to make regulations to secure the general health of the town, and to prevent nuisances, and to prevent or regulate the driv-

ing of stock through the city; prohibit the erection of soap factories, stock yards, slaughterhouses, pig pens, cow stables, or other nuisances of like nature within prescribed limits, and to prohibit and regulate same within one mile of the city limits, and to provide penalties for the violation of same.

3. To open, alter, abolish, extend, establish, grade, pave, or otherwise improve, clean, keep in repair streets, alleys, and sidewalks by ordinance, special or general. Streets and sidewalks.

4. To lay, build, grade, and establish sidewalks and pavements and improve or repair same whenever the same may be needed within the limits of said town; require the owners of the lots or property adjacent, adjoining, or abutting said pavements and sidewalks to pay for constructing or repairing the same, and a lien is hereby given on all such property in favor of said town to secure the cost of such improvements, which said lien shall continue in force for twelve months from the completions of such pavements or sidewalks, and to enforce the same by attachment at law, bill in equity, or otherwise.

5. To establish a market, and regulate the same.

6. To provide for the extension and prevention of fire, organize and establish a fire company; to regulate, restrain, and prohibit the erection of wooden or other buildings in any portion of the city; to prohibit the erection of sheds and other incumbrances upon or over the streets or pavements of the city. They may provide for the removal of all such buildings, sheds, and incumbrances so erected at the cost of the owner of the property causing same to be erected, and which shall be a lien upon the property of such owner, enforceable as other liens. Fires, and building construction.

7. To regulate and prohibit the storage of gunpowder, tar, pitch, resin, saltpeter, gun cotton, and all combustible materials and all articles dangerous in causing fires. Storage of inflammables.

8. To provide for the inspection of weights and measures, lumber and other building material, lubricating and other oils, and everything not prohibited by the State law.

9. To prevent and recover all encroachments upon the streets, alleys, and byways of the city.

10. To pass all laws and ordinances that may be necessary to carry out the full intent and meaning Google

of said incorporations and such as are usually possessed by municipalities.

**Fines.**

11. To provide fines, penalties, and forfeitures for the violation of municipal ordinances and regulations not exceeding fifty dollars and cost in any one case.

**Police.**

12. To provide for the appointment and regulation of the public [police] force of the town. The Town Marshal shall be ex officio Chief of Police of said town. All police officers of said town, including the Marshal, shall have police authority, and shall enforce all laws of the city; they may make arrest without warrant in hand within the town for offenses against the laws of said town committed in their presence, and with warrant may arrest for any such violations within said town or within the county of Henry.

13. To prevent and punish by pecuniary fine or otherwise all breaches of the peace, fighting, quarreling, loud cursing, swearing, other unnecessary noise or boisterous conduct, disorderly assemblies or meeting within the town.

**City Court.**

SEC. 15. *Be it further enacted*, That a City Court is hereby established, to be held by the Recorder of the city, who shall be ex officio Judge thereof, and all violations of said laws and ordinances of the city shall be tried by such officer; or, if he be incompetent, and in case of a change of venire, which may be had upon the same conditions and rules and regulations, restrictions as appertain to like matters before Justice of the Peace under State laws, any Justice of the Peace of Henry County may hold said court and try such cases. Such officer is hereby invested with the jurisdiction possessed by Justices of the Peace under the State law in both criminal and civil cases, and shall have all the powers of Justices of the Peace incident to the proper exercise of such jurisdiction. The Recorder, as ex officio Judge of the City Court, or such other person as may preside over said court, shall have authority to impose fines not exceeding fifty dollars and costs, which shall be in favor of said city for contempt of said court.

**Appeals.**

SEC. 16. *Be it further enacted*, That an appeal shall be allowed from any fine, penalty, or forfeiture imposed by the City Court, except from contempt com-



nitted in the presence of the court, to the next term of the Circuit Court of Henry County, at the town of Peryear. The party appealing shall give bond and security for the payment of the fine and cost imposed by said court and to abide by and perform the judgment of the court on appeal. In no case shall an appeal be allowed upon the pauper oath.

SEC. 17. *Be it further enacted*, That the presiding officer of the City Court shall have authority to provide rules and regulations for the government of the City Court not inconsistent with law.

SEC. 18. *Be it further enacted*, That any person who shall fail to pay or secure any fine and cost imposed upon him or her for the violation of any ordinance of the city or for contempt of court as above set forth, such person may be committed to the workhouse or calaboose of the city until the same be paid, secured, or worked out. Every person so committed shall be required to work for the town of Peryear.

SEC. 19. *Be it further enacted*, That the Legislative Council may by ordinance provide for the discharge of the duties of Recorder and Marshal or any officer of the city in their absence or by reason of the disability of such officers.

SEC. 20. *Be it further enacted*, That the style of all ordinances by the Legislative Council shall be: "Be it enacted by the Legislative Council of the corporation of Peryear." Style of ordinances.

SEC. 21. *Be it further enacted*, That vacancies in any official position shall be filled by the Legislative Council upon five days' notice, the person so elected to hold for the unexpired term of the officer vacating. Vacancies.

SEC. 22. *Be it further enacted*, That all officers of the city, before entering upon the discharge of their duties, shall take an oath to support the Constitution of the United States, of the State of Tennessee, the laws thereof, and of the town of Peryear, and to faithfully perform the duties devolving upon them. Oath.

SEC. 23. *Be it further enacted*, That the Recorder and Marshal, before entering upon the duties of their office, shall enter into bond, with two or more solvent securities, payable to the town of Peryear, in such amount as the Legislative Council may direct, conditioned upon the faithful performance of their respective duties and upon the faithful and diligent collection and faithful accounting for all moneys Bond.

that shall or ought to come into their hands for fines, penalties, forfeitures, taxes, and other moneys due the town, and which ought by law to be collected and paid over to them.

The City Marshal shall be liable for failure to account for all moneys collected upon process issued by the City Court of the Recorder.

SEC. 24. *Be it further enacted*, That the Marshal shall have the authority to execute all papers, processes, or other papers issued by any officer of the town, and may execute State process in criminal cases in like manner as Constables under State law in the county of Henry.

SEC. 25. *Be it further enacted*, That in the absence or inability of the Mayor, the President pro tempore of the Legislative Council shall perform the duties of Mayor.

SEC. 26. *Be it further enacted*, That the Legislative Council shall have authority to create such other officers, agents, and servants of the town as they may see proper, define the duties and fix the compensation of same.

Compensation  
of officers.

SEC. 27. *Be it further enacted*, That the Legislative Council shall, the last meeting in March preceding each general city election, or as soon thereafter as possible, fix the compensation of all city officers for the next two years. The same shall not thereafter be changed, except by a two-thirds vote of said Council.

Reports.

SEC. 28. *Be it further enacted*, That the Recorder and Marshal shall make monthly and quarterly reports to the Legislative Council of the moneys collected by them and for the State of Tennessee under their control.

SEC. 29. *Be it further enacted*, That the Legislative Council may place any additional duties on any city officer they may see proper.

SEC. 30. *Be it further enacted*, That no officer of the town shall be directly or indirectly interested in any contracts in which the town is interested.

SEC. 31. *Be it further enacted*, That the Mayor shall fill any vacancies occurring in any office, except that of Aldermen [Alderman], until the same be filled by election as herein provided.

SEC. 32. *Be it further enacted*, That the Legislative Council may remove any officer or servant of the

own for any misdemeanor or misconduct in office and otherwise, two-thirds of said Council concurring herein.

SEC. 33. *Be it further enacted*, That the Recorder shall receive a salary of \$24 per annum, \$5 for making out the tax books, 50 cents for issuing license, and \$1 for trying cases in the City Court, to be taxed in the bill of cost. He shall also receive a commission of not exceeding one and one-half per centum on all collections made by him from merchants' and privilege tax and on all disbursements, but said commission may be reduced by the Legislative Council. The City Marshal shall receive a commission on all collections made by him of not exceeding five per centum, which may be reduced by the Legislative Council. The Recorder and Marshal and all police officers of the town shall receive and be entitled to like fees and cost as Magistrates and Constables and officers performing like services are entitled to receive under the laws of the State, and such other fees as the Legislative Council may by ordinance allow.

Compensation  
of Recorder  
and Marshal.

SEC. 34. *Be it further enacted*, That all officers elected by the people shall be inducted into office the second Tuesday in May following each election.

SEC. 35. *Be it further enacted*, That if the Recorder, Marshal, or any other bonded officers of the town charged with the collection or disbursement of public funds shall fail to collect, or, after collecting, shall fail or refuse to pay over any moneys by them received for the use of said town, such officer shall be liable to be proceeded against by motion or suit at law in the Circuit Court of Henry County or any other courts having jurisdiction of such cases, and it shall be the duty of such courts to enter judgment against such officer and his securities for the money so received or ought to have been collected by him in the name of the town of Peryear; *provided*, that if the proceedings be by motion, such officer shall have five days' notice thereof.

SEC. 36. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

Approved April 27, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

## CHAPTER 254.

### HOUSE BILL No. 465.

(By Mr. Sparks.)

AN ACT to regulate fishing in Tennessee, Duck, and Buffalo Rivers, in Humphreys County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act it shall be lawful for the resident citizens of Humphreys County to take and catch fish from Tennessee, Duck, and Buffalo Rivers of Humphreys County by trot line, gigging, bait, net, seine not larger than twelve feet in length, with mesh not smaller than one and one-half inches; and, *provided, further*, that no fees or license shall be charged or exacted by the Department of Fish, Game, and Forestry of any person when fishing in the above manner for either home consumption or for sale.

SEC. 2. *Be it further enacted*, That so much of Chapter 489 of the Acts of 1907 as is in conflict with this Act be, and the same is hereby, repealed.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 255.

### HOUSE BILL No. 470.

(By Knox County Delegation.)

AN ACT to incorporate the town of Mountain View, in Knox County; provide for the election of officers, prescribe their duties, and define the powers of said corporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Mountain View, [in the] county of Knox, and the inhabitants thereof, be, and are hereby, constituted a body politic and corporate under and by the name of the "Town of Mountain View," which may sue and be sued; grant, receive, and hold real estate, mixed, and personal property, and dispose of the same for the use and benefit of said town; and may have and use a common seal, and change the same at pleasure. The boundaries of said town hereby incorporated are as follows—viz.:

**Boundaries.**

Beginning on the northern bank of the Tennessee River at the mouth of the McCammon's Spring Branch; thence in a northwestwardly direction and with the eastern boundary of the city of Knoxville to its intersection on First Creek with the southwestern corner of Park City line; thence with Park City line to Thompson Street, and continuing with said line and Thompson Street to Rutledge Pike and Nelson Street to Surray Street; thence southerly with Surray Street to the north side of Dandridge Pike; thence with the north side of Dandridge Pike eastwardly to a point one hundred feet beyond its intersection with Lakeside Drive; thence southerly in a line extended one hundred feet east of and parallel with Lakeside Drive to East Terrace, in the Morningside Addition; thence westwardly with West Terrace and East Terrace to the east side of Lot No. 156; thence west with the Lot No. 156 to an alley; thence southwest with the eastern boundary of said alley to the southern boundary of Morningside Land Company's property; thence east with said boundary line to a point determined by the next line, which

runs south in a line extended twenty-five feet east of and parallel with J. C. Groners' west side yard fence to the McCammon's Pike; thence in a direct line to the point of beginning on the bank of the Tennessee River.

SEC. 2. *Be it further enacted*, That the corporation aforesaid shall have full power and authority: General powers.

1. To enact such by-laws and ordinances as may be proper and necessary for the preservation of the health, quiet, peace, and good order of the town.

2. To ascertain and declare the boundaries of streets and alleys, and to condemn property and to open same and grant privileges for their use.

3. To provide for the paving and building or improvement of streets, alleys, sidewalks, bridges, sewers, and drains, and to pave or build sidewalks at the expenses of the owners of abutting property, and to declare the paving and building of said sidewalks a lien upon said abutting property superior to all other liens except taxes.

4. To assess property for taxes or to levy and collect by proper officers taxes upon all real and personal property, and to collect polls and privileges taxable under the State law.

5. To appropriate money and to provide for the debts and expenses of the town.

6. To provide for the regulation, equipment, and maintenance of a fire department.

7. To provide for the building of streets and public buildings.

8. To provide, construct, and build waterworks, either within or without the corporate limits for corporate purposes.

9. To regulate and fix rates charged by all quasi-public corporations operating within the corporation limits.

10. To establish a system of free schools and maintain them by taxation, and to regulate said schools.

11. To regulate, tax, or license the keeping of animals, and to impound the same.

12. To regulate, license, and collect taxes for all kinds of business, amusements, and exhibitions which are or shall be taxable under the State law.

13. To provide all necessary buildings for the use of the town.

14. To establish a police force for the town when

necessary, and to impose fines, forfeitures, and penalties for the breach of any ordinance of the town, and to provide for their recovery.

15. To commit any person or persons who may fail or refuse to pay or defray any fine and costs imposed upon them to the jail or workhouse of said town until such fines or costs are paid or defrayed.

16. To establish and regulate markets and provide for the inspection of milk, lard, and other provisions, and fish and vegetables, and to restrain and punish forestalling and regrading of provisions.

17. To pass all ordinances necessary for the health, convenience, and safety of the citizens.

18. To contract with the county of Knox to keep persons in the workhouse of said county convicted by the municipalities of offenses against the laws and ordinances of said municipality who shall fail to defray the fines and costs imposed upon them.

19. To license, tax, and regulate hacks, carriages, carts, omnibuses, wagons, and drays, and to fix rates to be charged for the carriage of persons and property within the corporate limits.

20. To grant right of way through the streets, avenues, and squares of said town for the purpose of street or other railroads; *provided*, the Board of Aldermen shall not grant the exclusive right to the use of the street to any one person, firm, or corporation.

21. To provide for the temporary or permanent closing of wells and springs used by the public during epidemics, or when epidemics are threatened, or whenever the same are injurious to the public.

22. To pass all ordinances, not contrary to the Constitution and laws of the State, which may be necessary to carry out the provisions and full intent of this Act.

Officers of  
town.

SEC. 3. *Be it further enacted*, That the officers of the corporation shall consist of a Mayor and four Councilmen, to be selected as hereinafter provided, and a Recorder and Marshal, who shall be elected by the Mayor and Councilmen.

Councilmen  
named.

SEC. 4. *Be it further enacted*, That the first Councilmen shall consist of John M. Allen, Joseph Meek, J. W. Moore, G. G. McCulley, and Herbert H. Slatery, who shall elect from their number a Mayor, the Board of Mayor and Councilmen thus constituted to serve until May 1, 1910. Hereafter all these officers



shall be elected by the city at large for a term of two years, the first election to be held on the second Monday in April, 1910, and each two years thereafter, <sup>Biennial elections.</sup> the officers thus elected to qualify for duty on the first Monday in May thereafter. No person shall be eligible for the office of Mayor or Councilman unless he be a citizen of Mountain View; and in case of death, removal, or resignation of any officer, the vacancy shall be filled by the remaining officers. All elections shall be held by the Election Commissioners in the same manner as is now provided by law in the election of county officers.

SEC. 5. *Be it further enacted*, That all persons living within the limits of said corporation, who are qualified to vote for members of the General Assembly, shall be entitled to vote for Mayor and Councilmen.

SEC. 6. *Be it further enacted*, That within five days <sup>Organization.</sup> after their election the Election Commissioners holding said election shall furnish the Mayor and Councilmen certificates of their election, and said officers, upon receiving said certificates, shall effect an organization upon the dates hereinbefore specified; but the first officers hereinbefore designated shall, within thirty days after the passage of this Act, effect an organization.

SEC. 7. *Be it further enacted*, That the Mayor and Councilmen shall, upon entering upon their duties, take an oath before some Justice of the Peace of Knox County to support the Constitution of the United States and the State of Tennessee, and to faithfully and honestly perform their duties.

SEC. 8. *Be it further enacted*, That the Councilmen <sup>Recorder and Town Marshal.</sup> immediately on organization, or as soon thereafter as possible, shall elect a Recorder and a Town Marshal, who shall serve for two years, or the same term of office as the Mayor and Councilmen. The Mayor and Councilmen are also empowered to elect such other officers as the needs of the corporation may require, and shall fix the salaries of all officers; but the first Board of Mayor and Councilmen whose names are mentioned shall serve without compensation.

SEC. 9. *Be it further enacted*, That it shall be the <sup>Duties of Mayor.</sup> duty of the Mayor to preside at all meetings of the Council; see that all ordinances and by-laws of the

corporation are enforced; to call special meetings of the Council; to make such suggestions and give such instructions in reference to the action of the Council as in his judgment will benefit the corporation; to sign all ordinances, and to employ counsel in behalf of the corporation whenever in his opinion the same may be necessary; and to perform all duties incumbent upon the office he occupies. The Mayor shall have no vote in the Council, except in case of a tie, and no ordinance shall become a law if vetoed by the Mayor, unless by a three-fourths vote of the Council.

Duties of  
Recorder.

SEC. 10. *Be it further enacted*, That it shall be the duty of the Recorder to preside at all trial cases of offense against the by-laws and ordinances of said corporation and peace and dignity of the town, and he is hereby given full power and authority to try all offenses for violation of the by-laws and ordinances, and issue warrants for offenses, and he shall keep a regular docket in a well-bound book similar to dockets kept by Justices of the Peace, and shall keep a record of every case tried by him and amount of costs of same. Appeals shall lie on behalf of defendants from all judgments of the said Recorder imposing any fines for the violation of the ordinances, but the appellant shall give security for the payment of said fine and costs.

SEC. 11. *Be it further enacted*, That the Recorder shall receive, receipt for, and be the custodian of all the money of the town received from any source whatever, including all taxes, fines, and other moneys belonging to the town from whatever source, and he shall pay out all sums ordered to be paid out by the Mayor under the direction of the Council, and he shall be the bookkeeper of the town, and keep all such books as the Council may direct, and shall make reports to the Council monthly or quarterly as they may direct. He shall give bond, with good security, payable to the town of Mountain View, in such amount as may be prescribed by the Council for the faithful discharge of his duties. He shall prepare each year as soon as the State and county books are completed a tax book embracing all property—real, personal, and polls—within the corporate limits subject to taxation under the State laws, observing, in making assessments, the values fixed by the Tax As-

essor of Knox County. He is hereby vested with power to collect all taxes due the town of Mountain View, and shall have the right to condemn and sell property subject to taxation for a failure to pay taxes in accordance with law, when the Mayor and Council so ordained for the collection of delinquent taxes. He shall issue licenses and privileges, and collect all privileges and ad valorem taxes. He shall keep the minutes of the Council.

SEC. 12. *Be it further enacted*, That the Marshal, before entering upon his duties, shall give bond, with good security, payable to the town of Mountain View, in the sum of five hundred dollars (\$500) for the faithful performance and discharge of his duties. He shall have the power to serve State warrants and other processes which a Constable generally serves within the incorporated limits, and shall be entitled to receive for such services the same fee allowed by law to Constables in such cases. He shall be the chief of any police force within the town, and shall have supervision and charge of work hands on the streets if the Council so directs, and shall perform such other duties as may be imposed upon him by ordinance.

Marshal—  
bond, duties,  
etc.

SEC. 13. *Be it further enacted*, That the Mayor shall receive such compensation as may be fixed by the Council.

SEC. 14. *Be it further enacted*, That the Mayor and Council shall have full power and authority to remove any officer or agent appointed by them for incompetence, neglect of duty, or disregard of ordinances.

Removal for  
cause.

SEC. 15. *Be it further enacted*, That the Council shall have power and authority to levy taxes for town purposes upon all taxable property—real, personal, and mixed—within the limits of the town. The annual tax levy of the town shall be fixed by the Council, and said taxes when levied shall have the force and effect given by law to State and county taxes, and shall be payable at the same time and subject to the same penalties; but it shall be lawful to assess and collect taxes for the unexpired term or portion of the year in which this Act goes into effect.

Tax levy.

SEC. 16. *Be it further enacted*, That the town of Mountain View is hereby created a separate school district, and the public schools of said town shall be

Schools.

managed and controlled by the Mayor and Council, who shall have the right to erect and establish school-houses. Whenever the public-school fund payable to the town of Mountain View shall be insufficient to run the said schools for such length of time as the Council may deem necessary and pay the proper salaries and expenses thereof, the Mayor and Council may levy and collect such tax as may be necessary for said purpose; *provided*, that the sum thus levied shall not exceed the rate levied by the State for State purposes for the same year.

May issue  
bonds.

SEC. 17. *Be it further enacted*, That the Mayor and Council are hereby authorized to contract any indebtedness on behalf of the town and upon the credit thereof by borrowing money and issuing bonds of the town at a rate not exceeding six (6) per cent per annum for the purpose of erecting public buildings, schoolhouses, constructing and maintaining sewers, grading and paving streets, alleys, sidewalks, curbing, guttering, and for the purpose of constructing bridges and their approachs, and for the purpose of constructing and erecting water-works; *provided*, that the created indebtedness to be incurred for the purposes above set forth shall not exceed ten (10) per cent of the assessed valuation of the taxable property of the town as shown by the last assessment; and, *provided*, that no loan shall be made and no bond shall be issued for any purpose, except by ordinance, which ordinance shall specify the purposes to which the funds received from the bonds are to be applied, and shall also provide for a levy upon the taxable property of the town sufficient to pay the annual interest thereon, and to extinguish the principal of such debt and bonds within the time limit of the same; and, *provided, further*, that such tax, when collected, shall be applied only to the purposes specified in said ordinance; and, *provided, further*, that no such debt shall be created nor bonds issued unless the question of incurring same and the issuing bonds therefor shall be submitted to a vote of the qualified electors of the town and receive a majority of votes cast.

Style of  
ordinances.

SEC. 18. *Be it further enacted*, That all ordinances shall begin with an enacting clause—to wit, "Be it ordained by the Mayor and Aldermen of Mountain View," and shall at the end of the Act contain the

provision that: "This ordinance shall take effect from and after its passage, the public welfare requiring it."

SEC. 19. *Be it further enacted*, That the Mayor and Aldermen shall not appropriate nor contract for the expenditure of any greater sum of money in any one year than the income for the particular year from all sources amount to. Budget.

SEC. 20. *Be it further enacted*, That all contracts in excess of five hundred dollars (\$500) for public improvements shall be let by the Mayor and Aldermen after advertisement and after competitive bids to the lowest responsible bidder, and bonds shall be required of the contractors in all cases, conditioned to the faithful performance of their contracts. All contracts for less than five hundred dollars (\$500) may be made for and on behalf of the corporation by such officer as the Mayor and Aldermen may designate. Contracts.

SEC. 21. *Be it further enacted*, That this Act is declared to be a public Act, and may be read in evidence in all the courts of law and equity in this State, and that all laws and parts of laws in conflict with this Act be, and are hereby, repealed.

SEC. 22. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 256.

### HOUSE BILL No. 481.

(By Mr. Buttry.)

AN ACT to provide for and enforce the education of all children between the ages of eight and sixteen years in counties in Tennessee having a population of not less than eleven thousand one hundred and forty (11,140) nor more than eleven thousand one hundred and sixty (11,160) according to the Federal census of 1900 or any subsequent census.

Applies to  
Hancock  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That every parent, guardian, or other person in this State having control or charge of a child or children between the ages of eight and sixteen years shall send such child or children to a public school, or to some other school for at least sixteen weeks or eighty days of not less than four hours each of each year, or as long as the public school of the city or district in which such child resides shall be in session, in case the session shall be less than sixteen weeks during the year, unless such attendance, in whole or in part, is excused by the District or City School Directors or other officers having control of the public school in a written exemption, showing on whose application granted and the period and reasons for which the exemption was granted.

Exemption  
may be  
granted—  
when.

SEC. 2. *Be it further enacted,* That no such exemption from school attendance shall be granted unless such child has completed the primary school course and attained proficiency in all the subjects or branches thereof, or unless such child has been or is being instructed for not less than sixteen weeks in the year in some private, parochial, or tutorial school or at home by competent and reliable teachers, or unless it appear from competent medical or other positive and satisfactory testimony that the child is or was in such condition physically or mentally as to prevent its attendance at school or its application to study for the period of exemption, or unless, because of sickness or extreme poverty, the wages, time, or labor of such child or children are essential—

ly necessary for the support of a destitute parent or brother or sister in such indigent family to prevent them from becoming objects of charity; *provided*, that if any such child or children is of a family in extreme poverty and destitution as aforesaid, the Commissioners of the Poor of the county may make an allowance or appropriation to reimburse the family or indigent child for the loss of time, work, or wages during school attendance, and to furnish such child or children necessary clothing, so as to enable such child or children to attend school for the time required without exemption on account of poverty and destitution aforesaid, which sum shall be paid by the Commissioners out of any funds at their disposal, or by the county, upon the recommendation of such payment by said Commissioners of the Poor; *provided, further*, that the District Directors and City Board or other officers having control of the public schools of the districts and cities may, with the consent of the County or City Superintendent of Schools, buy and furnish with the school funds for any such child, who is of a family in extreme poverty and destitution, all necessary text-books for use under the direction of the teacher in the school-room during school hours by such indigent child or children, and no others, which books shall be delivered by the teacher to the District Directors or the City Board of Education at the close of the school, or when the necessity thereof terminates; *provided, further*, that the occasional absence from such attendance by any such child between the ages of eight and sixteen years, not amounting to more than two unexcused absences in four consecutive weeks, reckoned in periods of four weeks from the beginning of the school term, shall not be unlawful.

May reimburse family.

Text-books furnished—when.

SEC. 3. *Be it further enacted*, That the attendance of sixteen weeks or eighty days required shall begin with the opening of the school session for the year, and shall be consecutive, except for holidays, vacations, detention by sickness, and other necessary and unavoidable causes, and such intermissions of such attendance shall not be counted as part of the sixteen weeks required; *provided*, that any responsible principal or teacher of any school shall have power to exempt any such child for temporary absence on account of unusual storm, bad weather, or high wa-

Consecutive attendance required.

ters, death in the child's family, providential hindrance, unforeseen and unavoidable accidents, and for observance of religious festivals and holidays; *provided, further*, that the provisions of this Act shall not apply in cases where the home of the parent or other custodian of the child or of children between the said ages of eight and sixteen years is more than two and one-half [miles] from the nearest public school by the shortest road.

Penalty.

SEC. 4. *Be it further enacted*, That any failure on the part of any parent, guardian, or other custodian of any child between the ages of eight and sixteen years to comply with the foregoing sections of this Act, unless exempt or excused therefrom as herein provided, shall be guilty of a misdemeanor, and, upon conviction; shall be fined not less than five dollars (\$5) nor more than twenty-five dollars (\$25) for each offense, and shall pay all costs, such fine to be collected by suit in the name of the State before any court having competent jurisdiction, and to be paid into the county treasury and applied to the use of the public school of the district or city in which the offense was committed.

Corporations  
or firms may  
be punished.

SEC. 5. *Be it further enacted*, That during the period of the year that the public schools of any district or city of this State are in operation it shall be a misdemeanor, punishable by fine, for any person, firm, or corporation to hire or use the services of any child between the ages of eight and sixteen years, unless such child first has attended school during the year then current for the length of time required by this Act, or unless such child has been excused from school attendance in the manner allowed and prescribed by this Act; and a violation of this provision shall subject the offender to a fine of five dollars (\$5) for each offense, collectible in an action in the name of the State before any court of competent jurisdiction, and payable to the County Trustee for the benefit of the public school of the district or in which the offense was committed.

Records to be  
made.

SEC. 6. *Be it further enacted*, That it shall be the duty of all school officers, whose duty it is to take the school census within their respective districts, counties, and cities, to ascertain at the time of taking the annual census of the school children, as required by law, the full name and the age of each



child, and the name and place of residence of the child's parent, guardian, or other custodian, and record the same in their respective offices, and make report thereof to the County Superintendent of Public Instruction. The District Clerk or the Secretary of the City or County Board of Education shall, at the beginning of the school session, furnish to the principal or teacher of each public school under control of the respective boards a copy of the census of all children between the ages of eight and sixteen years belonging to the school in charge of such principal or teacher or residing in the school limits thereof.

SEC. 7. *Be it further enacted*, That the principals or teachers of the public schools shall, at the opening of the public-school session for the year, bring to the attention of all parents and other custodians of any child or children between said ages, respectively, the provisions and penalties of this Act, and they shall keep a record of the actual time of attendance of all children assigned to them or residing in the school limits of their respective schools. Said teachers shall notify the parent or custodian of any child between the ages of eight and sixteen years belonging to the school in his or her charge of the absence of such child, which notice shall be in person or in writing and within three days after the absence occurs. At the close of each school month said teachers shall report in writing to the Clerk of the District Directors or the Secretary of the City or County Board of Education by which he or she was employed a list of all absences of all children between the ages of eight and sixteen years which occurred during the month, together with copies of all excuses offered by the parents or other custodians of the children who have been absent, and also a statement as to which excuses were accepted as true and sufficient; *provided*, that no warrants for teachers' salaries shall be issued or the salaries paid until such reports are made, and the District Directors and City Boards or officers having control of the district and city schools shall require of the teachers such reports as to the attendance and nonattendance of such children assigned to them, respectively, for supervision, and make such records thereof as that the records of their offices shall at all times show

Duties of  
teachers.

Salaries not to  
be paid until  
reports are  
made.

the names and residences of all the persons within their respective districts and cities who fail to comply with the requirements of this Act.

Collection of  
fines.

SEC. 8. *Be it further enacted*, That it shall be the duty of the District, County, and City School Boards having control of the public schools in the districts and cities, through the Clerk and Secretary as their agent, or other school officer designated by the respective boards, to enforce the payment and collection of all fines for the violation of this Act incurred by employers, parents, and others within the respective districts and cities, and for this purpose to institute all necessary suits therefor in the name of the State before any court having competent jurisdiction, which fines shall be paid to the County Trustee, who shall place the same to the credit of the school of the district or city where the offense was committed, and pay out and account for the same as prescribed by law for other funds.

Said Boards and officers shall institute said suits for said violations of this Act within ten days after the close of the school, and not later than the last week in June of each and every year, and shall prosecute the same with due diligence; *provided*, that the Clerk or Secretary of said Boards or School Directors may report from time to time during the school or any time after its close any violation of this Act or any unexcused absence to any Sheriff or Deputy Sheriff of the county or any Constable of the district, and it shall be the duty of said officers and all peace officers to arrest and prosecute such offenders.

Officers to  
make arrests

Said officers shall arrest any such child of school-going age that habitually haunts public places and has no lawful occupation, and also any truant child, who absents himself or herself from school, and to place him or her in charge of the teacher of the public school, which such child by law is entitled to attend, or in some other school designated by the parents or custodian in which arrangements for its reception have been made; *provided, further*, that in case of conviction and fine by any Justice of the Peace for any violation of this Act, the defendant may appeal to the Circuit or Criminal Court of the county upon securing the fine and all costs or by taking the pauper oath and giving a good and solvent appearance

bond in the sum of two hundred and fifty dollars (\$250).

**Sec. 9.** *Be it further enacted,* That it shall be the duty of the State and County Superintendents of Public Instruction to require the District Directors and City Board of Education or other officers in control of the public schools to make such reports from time to time as may be deemed necessary, showing the enrollment of all the children within their respective districts and cities between the ages of eight and sixteen years in the public schools or other substituted schools and the extent to which such attendance on the part of any child falls short of the requirements of this Act, together with the names and residences of the parents, guardians, or other custodians of the children, who have failed in any respect to meet the requirements of this Act, and a list of the fines incurred and entered thereunder, with an itemized list and the amount of such fines actually collected. It shall be further the duty of the County Superintendents and of the State Superintendent of Public Instruction to show in their annual reports or in their special reports the effects and results of the enforcement and operation of this Act, and to recommend such amendments and extensions thereof as in their judgment will result in the more effectual attainment of the purposes of this law and the better education of the children. Reports.

**Sec. 10.** *Be it further enacted,* That any School Director, member of a County or City Board of Education, or teacher of any public school who willfully or negligently fails or refuses to comply with any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars (\$10) nor more than twenty dollars (\$20) for each offense, to be collectible and payable as hereinbefore prescribed in Sections 4 and 5 of this Act. Penalties.

**Sec. 11.** *Be it further enacted,* That this Act shall only apply to counties of the State of Tennessee having a population of not less than eleven thousand one hundred and forty nor more than eleven thousand one hundred and sixty according to the Federal census of 1900 or any subsequent Federal census; *provided,* that the provisions of this Act shall not abridge or interfere with the right of all children to

attend the public schools until they are twenty-one years of age; *provided, further*, that this Act shall not be so construed as to affect or abridge the rights of districts or counties and cities to maintain separate schools or school systems of their own.

SEC. 12. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 24, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

## CHAPTER 257.

### HOUSE BILL No. 486.

(By Mr. Alexander.)

AN ACT to be entitled An Act to change the line between the counties of Campbell and Claiborne so as to include the lands of W. M. Ellison in Campbell County and detach that part of the same now in Claiborne County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Campbell and Claiborne be so changed as to include the lands of W. M. Ellison in Campbell County and detach that part of the same which is now in Claiborne County.

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 258.

### HOUSE BILL No. 516.

(By Mr. Tatum.)

AN ACT to be entitled An Act to regulate the working and laying out of public roads in counties having a population of not less than 23,770 nor more than 23,780 according to the Federal census of 1900 or any subsequent Federal census.

Applies to  
Dyer County.

Commission  
created.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Quarterly County Court at its January term, 1910, to elect three Road Commissioners who shall be freeholders in said county, who shall hold their office for two years from the first day of January, 1909, and until their successors are elected and qualified, whose compensation shall be \$300 each per annum, payable out of the general road fund.

SEC. 2. *Be it further enacted*, That should any Commissioner so elected fail to qualify within ten days after his election, it shall be the duty of the County Judge or Chairman to appoint a Commissioner or Commissioners for such county, and said Commissioners so elected or appointed shall enter into bond before the County Court Clerk in the penal sums of \$2,000 each, payable to the State of Tennessee, and conditioned for faithful performance of their duties and for accounting for all money that may come into their hands by virtue of their office, and shall also take an oath for the faithful performance of their duties.

Civil engineer.

SEC. 3. *Be it further enacted*, That at the January term of the County Court of 1910 and thereafter annually at the January term the court shall appoint two committeemen to act with the Judge or Chairman of the County Court to employ a competent civil engineer at a cost not to exceed \$125 per month for the time actually employed, whose duty it shall be to do all necessary engineering work in the laying out of new roads, widening, working, and grading roads, locating culverts, cutting down hills, con-

structing levees, bridges, etc., and in advising and assisting the Commissioners in their duties.

SEC. 4. *Be it further enacted*, That the Road Commissioners of the county, in conjunction with the civil engineer, shall have entire supervision of all public roads of the county and of all bridges and culverts of twenty feet and less in length, and shall have all such bridges and culverts kept up in good condition. All bridges and culverts of twenty feet and under in length to be built and maintained at the expense of the district in which they are located. They shall also classify the public roads of the county as first, second, and third-class roads. Roads of the first class shall be not less than thirty feet wide between the ditches; second class, not less than twenty feet wide between the ditches. All public roads of less than twenty feet in width between ditches may be classed as third-class roads, and worked and maintained same as the first and second-class roads; that the Road Commissioner shall keep a well-bound book to be furnished by the county, in which they shall keep a record of each public road in the county and the classification of the same, together with the description of each bridge in the county. They shall also assign hands.

Supervision of  
roads and  
bridges.

Road record.

SEC. 5. *Be it further enacted*, That all applications to open, close, or change a road shall be made to the Road Commissioners of the county, and Road Commissioners shall give at least ten days' notice to all interested parties of the time and place they will inspect said road, and shall associate with them the civil engineer in said inspection. Said Commissioners shall have the power to condemn land for the purpose of laying out new roads or to widen old roads and to assess the value of same. Any person aggrieved by the action of the Commissioners may appeal to the next term of the County Court, which appeal may be heard and determined by the Judge or Chairman of said court; and if the application is granted, all costs and damages shall be paid by the applicant or applicants, unless for good reason they shall assess the same to the county, in which case the same shall be paid by order of the County Court out of any money in the treasury not otherwise appropriated, in which event they shall report their action to the next term of the Quarterly Court for

Opening and  
changing  
roads.

Power of con-  
demnation.

approval; and if the Quarterly Court disapproves the same, parties aggrieved may appeal to the Circuit Court.

Contracts.

SEC. 6. *Be it further enacted*, That the Commissioners shall let the contract for working all public roads to the lowest responsible bidder for a period of two years, in such quantities to each contractor as their judgment shall dictate. All contractors shall be required to enter into a good and solvent bond, with two or more good bondsmen, in double the amount of their contract price, payable to the State of Tennessee, for the faithful compliance with their contract; and if any contractor shall bring suit under his contract and shall be cast in said suit, he shall pay, in addition to the cost in said suit, a reasonable attorney's fee for the attorney representing the county, said fee to be fixed by the court trying the case.

SEC. 7. *Be it further enacted*, That all public roads shall in every way be worked in accordance with the orders of the civil engineer, and shall be graded not less than one inch to the foot fall from the center to each side, and they shall be ditched on each side with good and sufficient ditches so as to properly drain them, and that such ditches shall be kept open by the contractors throughout the entire year.

SEC. 8. *Be it further enacted*, That contractors shall not receive or be entitled to any commutation money, nor shall his contract entitle him to service gratis of any road hand, but he shall give each hand working out any amount of his time a receipt for the number of days worked, filling out his stub to correspond, and shall once each month report to the Commissioners the amount of days worked by the hands under his control, and he shall be charged on his contract with such work at the rate of 50 cents per day.

Road duty—  
who liable, §

SEC. 9. *Be it further enacted*, That all male inhabitants over twenty-one years and under fifty years of age, except those living within the corporate limits of incorporated towns and such as are released by the County Court from the payment of poll tax, shall work on the public roads eight days in each year; *provided*, that any person subject to road duty may commute by paying into the hands of the Commissioners or Trustee of the county on or before the

Commutation.



expiration of the first work period for which he has been notified the sum of \$4 for the entire year, or he may commute for any part of the eight days at the rate of 75 cents per day, if paid before action has been begun for collection of same. All such commutation money to be credited to the district in which the payor resides.

SEC. 10. *Be it further enacted*, That the County Tax levy. Court of such county shall, at the January term of the Quarterly County Court of 1910 and thereafter each year at the time of levying, shall levy a tax for highway purposes of not less than 10 cents nor more than 25 cents on each \$100 taxable property, and shall be collected as other taxes, and shall be used for the maintenance of the roads and bridges of the districts in which collected. The Trustee shall be allowed a commission of 2½ per cent for collecting and paying out of same.

SEC. 11. *Be it further enacted*, That the Commis- Fines. sioners may bring suit before any Justice of the Peace against all persons subject to highway labor who shall fail or refuse to work or to commute as heretofore provided for, and, upon conviction, shall be fined not less than \$1 for each day he fails to work or commute, together with the cost of the suit, which fine shall be paid to the Commissioners or to the Trustee and placed to the credit of the district from which it is collected, and in the event he fails to pay said fine, he shall be punished as in other misdemeanor cases.

SEC. 12. *Be it further enacted*, That all public roads in such county shall be worked by the contractors between the first day of April and the fifteenth day of September of each year, and no work shall be done before or after such date, except in cases of repair and keeping the ditches open.

SEC. 13. *Be it further enacted*, That the Road Com- Commis- sioners, at reasonable intervals, upon the written request of the contractor, shall inspect work done, and shall issue to him his warrant drawn upon the County Trustee for an amount not exceeding 75 per cent of the actual cost of such work. All warrants provided for under this Act shall be countersigned by the County Judge or Chairman. sioners to in- spect work.

SEC. 14. *Be it further enacted*, That all ordinary Levees—to repairs to levees shall be made by the contractors; repair.

and if there is any question as to whether repairs needed on levees are ordinary or extraordinary, this is left solely to the Commissioners and engineer.

SEC. 15. *Be it further enacted*, That nothing in this Act shall be construed so as to alter or abridge the power that the Quarterly County Court now has over the bridges and levees of such county.

Ten hours a day's work.

SEC. 16. *Be it further enacted*, That a day's work in the meaning of this Act shall be ten hours of actual service.

Bridges.

SEC. 17. *Be it further enacted*, That in building and repairing all bridges of twenty feet and less in length, the work to be done by the road contractor under his contract, but the Commissioners shall furnish him the material, which shall be paid for by warrant on County Trustee, to be paid out of the road funds of said district.

Books, etc. to be furnished.

SEC. 18. *Be it further enacted*, That the County Judge or Chairman shall have prepared and furnished each Commissioner and contractor all necessary books and blanks.

Inspection of roads.

SEC. 19. *Be it further enacted*, That the roads of each civil district shall be inspected at least once a month during the working period by the civil engineer and at least one of the Commissioners.

Punishment of contractors.

SEC. 20. *Be it further enacted*, That any contractor failing to comply with his contract shall be subject to indictment or presentment by the grand jury of the county, who shall have inquisitorial powers over such cases, and, on conviction, shall be fined not less than \$25 nor more than \$50 for each offense, which fine shall go to road fund of the district in which the offense was committed.

Punishment of Commissioners.

SEC. 21. *Be it further enacted*, That any Road Commissioner who fails or refuses to perform any of his duties or shows any partiality in the performance of same shall be subject to indictment or presentment and fined not less than \$25 nor more than \$50 for each offense, which fine shall go to the county road fund in the district in which the offense was committed.

Obstructions to public roads.

SEC. 22. *Be it further enacted*, That any person who shall put or cause to be put any obstruction in any of the public roads of said county as laid out and designated by the Road Commissioners, or in any private road, shall be subject to indictment or

presentment by the grand jury of the county, and be fined not less than five dollars (\$5) nor more than ten dollars (\$10) for each offense, which fine shall go to the road fund of the district in which the offense was committed, and no property shall be exempt from such fine and costs on any delinquent road hand for failing to work the road.

SEC. 23. *Be it further enacted*, That in constructing culverts across any of the public roads of such county, where it is practicable, tiling or brick, iron or metal, shall be used instead of wooden culverts, and the County Judge or Chairman may purchase such tiling, brick, or metal culverts and pay for the same out of the county funds, and furnish the Road Commissioners for use, and charge said district with the same at actual cost and carriage, and shall reimburse the county out of the road fund of such district in which it is used.

Construction of culverts.

SEC. 24. *Be it further enacted*, That in case of emergency, the County Judge shall have the power to have bridges and levees repaired at once, and report his action to the next term of the Quarterly Court, which shall make an appropriation to pay for the same.

Emergency repairs to bridges and levees.

SEC. 25. *Be it further enacted*, That this Act take effect from and after January 1, 1910, the public welfare requiring it.

Passed April 23, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

# CHAPTER 259.

## HOUSE BILL No. 666.

(By Messrs. Galloway and Lipscomb.)

AN ACT to amend an Act passed March 29, 1907, being Chapter 204 of the Acts of the General Assembly of the State of Tennessee for the year 1907 and entitled "An Act to incorporate the city of Columbia, in the county of Maury, State of Tennessee, and the inhabitants thereof; to define the boundaries of said city; to provide a Board of Mayor and Aldermen and other officers for the control, management, and government of said municipal corporation; to provide for the election of their successors; to define their rights, powers, and duties; to vest in said corporation certain property and charge it with certain indebtedness and liabilities; and for other purposes incident to the control, management, and government of said municipal corporation," so as to change the boundary line of said city and so as to authorize and empower said municipal corporation to establish, maintain, and regulate an abattoir or slaughterhouse within or near to said city, and to provide for the slaughter of animals therein, to charge a fee therefor, and to regulate the slaughter of animals and sale of meat in said city, or prevent the same, except under certain conditions.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Article I., Section 1 of Chapter 204 of the Acts of the General Assembly of the State of Tennessee for the year 1907, which is an Act to incorporate the city of Columbia, Tenn., be, and the same is hereby, amended by striking out of lines 13 and 14 of said Article I., Section 1, the words, "Thence west with the center of McKay Street to the Pulaski Pike," and inserting in lieu of said words the following words: "Thence west with the center of McKay Street to a point north of a set rock, the southeast corner of the Columbia Cotton Mill Company's property; thence continuing west with the center of McKay Street 17 poles to a stake; thence north 1 degree and 35 minutes east to the south margin of the right of way of the Nashville and Decatur Railroad Company; thence north-west with the south margin of said right of way to its intersection with Johnson Street; thence along the south margin of Johnson Street north 88 degrees 15 minutes west 12.32 poles to its intersection with Bailey Street; thence south 2 degrees west with the

Boundaries  
extended.

east margin of Bailey Street to its intersection with Carpenter Street 23.6 poles; thence with the north margin of Carpenter Street south 88 degrees east 30.3 poles to a stake; thence south 2 degrees west about 27 poles to the center of McKay Street; thence west with the center of McKay Street to the Pulaski Pike."

SEC. 2. *Be it further enacted*, That Section 6 of Article III. of Chapter 204 of the Acts of the General Assembly of the State of Tennessee for the year 1907, which is an Act to incorporate the city of Columbia, Tenn., be, and the same is hereby, amended by inserting after the word "thereof," which is the last word of Paragraph 3 of said Section 6 of Article III., the following words—to wit: "To establish, maintain, and regulate an abattoir or slaughterhouse within or near to the city, and to provide for the inspection of all animals slaughtered at such abattoir or slaughterhouse, and to charge a reasonable fee for such inspection, and also to charge a reasonable fee for each animal slaughtered at such abattoir or slaughterhouse or for the use thereof by any person, firm, or corporation. To regulate or prohibit the barter or sale of any or all meat or animal products within the city of Columbia, except such as has been slaughtered and inspected at said abattoir or slaughterhouse established and maintained under the direction and control of the city, and to prohibit the slaughter of animals anywhere in said city, except at such abattoir or slaughterhouse."

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 260.

### HOUSE BILL No. 601.

(By Mr. Messick.)

AN ACT to authorize the town of Tullahoma to purchase the "University of Middle Tennessee property" for use, lease, or donation for school purposes, and to provide for the payment thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Tullahoma is hereby empowered to purchase the "University of Middle Tennessee property," located in said town, or any part thereof, at a price satisfactory to the Mayor and Aldermen of said town, and to use, lease, or donate and convey the said property for school purposes.

Special tax  
levy.

SEC. 2. *Be it further enacted*, That the said town of Tullahoma is hereby empowered to pay for the aforesaid property with any surplus of its school funds now on hand or that may hereafter accrue in excess of the amount required to properly maintain the public schools of the town, and also with the funds derived from a special tax, not to exceed twenty cents on the hundred dollars for any one year on all taxable property, which special tax the said town of Tullahoma is hereby empowered to levy, same to be levied and collected as other taxes.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare  
Passed April 23, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

## CHAPTER 261.

### HOUSE BILL No. 589.

(By Davidson County Delegation.)

**AN ACT** to amend an Act entitled "An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished," the same being Chapter 114 of the Acts of the General Assembly of 1883, and the various Acts amendatory thereof constituting the charter of the city of Nashville, by providing for the election, term of office, and salary of the City Health Officer, and providing for his punishment and removal for cause, and repealing all laws or parts of laws in conflict with this Act.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Section 13 of Chapter 240 of the Acts of the General Assembly for 1899, passed April 5, 1899, and approved April 12, 1899, be, and the same is hereby, amended so as to provide as follows:

"The Board of Health shall, in case of a vacancy in the office of City Health Officer, appoint his successor, who shall have been a bona fide resident and a practicing physician in good standing of said city for at least five years immediately prior to the time of his appointment."

**SEC. 2.** *Be it further enacted,* That said Section 13 of said Act be further amended as follows:

"That from and after the passage of this Act the salary of the City Health Officer of cities controlled by this Act shall be twenty-five hundred dollars per annum, payable monthly."

**SEC. 3.** *Be it further enacted,* That said Section 13 be further amended by striking out the words, "And whose term of office shall be two years from the date of his election," and inserting in lieu thereof the following:

"That the power and authority conferred upon the Board of Civil Service Commissioners be, and the same is hereby, extended so as to include and embrace the office of the City Health Officer, said officer to be placed under the supervision of said Board

as to punishment and discharge for cause; that said officer shall not be punished or dismissed from office, except after a trial and conviction by said Board in the manner provided by law. In event of a trial resulting in the punishment or dismissal of said Health Officer, said Board of Civil Service Commissioners shall notify the Board of Health thereof, who shall thereupon appoint some other suitable person to fill said vacancy temporarily, in case of punishment by suspension, or permanently, in case of punishment by dismissal."

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 262.

### HOUSE BILL No. 500.

(By Mr. Hall.)

AN ACT to regulate the working and laying out of public roads in all counties of the State having a population of not less than 18,117 nor more than 18,120 by the Federal census of 1900 or any subsequent Federal census.

Applies to  
Henderson  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all the roads now laid out according to law in counties coming within the provisions of the population described in the caption



of this Act, or shall be laid out under this Act, shall be deemed public roads.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Quarterly County Court, at the January term, to divide their county into one or more road districts and to elect one Road Commissioner for each district for a term of two years, and until his successor is elected and qualified; *provided*, that the road districts shall be and are made the same as the civil districts now are; that in the same in number, with the same boundaries, and known as Nos. 1, 2, 3, etc., until the same are altered by law; and the Commissioners shall be elected at the April term of the Quarterly Court in 1909, or at a called session within thirty days thereafter called by the County Judge or Chairman for the purpose, and, when elected, shall hold their office until January 1, 1911, and until their successors are elected and qualified. Said Commissioners must be freeholders in the district for which they are elected and residents of the same.

SEC. 3. *Be it further enacted*, That the Quarterly County Court, at its term in the year 1909 when Commissioners are elected, and at each January term thereafter when Commissioners are elected, may increase or diminish, alter or change, the road districts of said county as they may deem best, and vacancies may be filled at any quarterly term, and such Commissioners shall serve until the next regular election.

SEC. 4. *Be it further enacted*, That said Commissioners shall serve at least one term, and any person subject to highway labor who shall fail or refuse to serve when served with notice of his appointment shall be guilty of a misdemeanor; but for good reason shown the Quarterly County Court may receive the resignation of any Commissioner when tendered in writing, giving good and sufficient cause for the same, and no person shall be required to serve more than once in two consecutive terms.

SEC. 5. *Be it further enacted*, That each Commissioner shall have control of the highways and bridges in his district, and shall have general supervision of the overseers and contractors of his district and direct the manner of working the roads in said district; and it shall be the duty of said overseers and

Road districts.

May change road districts.

Vacancies.

Term of Commissioners and resignation.

Powers of Commissioners.

contractors to work the public roads as directed by said Commissioner.

Contracts.

SEC. 6. *Be it further enacted*, That said Commissioner may contract with any taxpayer to perform any labor upon the highway or to furnish any material for the same, and give the necessary credit therefor; *provided*, that said Commissioner shall make no debt by contract or otherwise in any one year in excess of the road fund due said district for said year, and in no case shall any Commissioner, either directly or indirectly, be interested in any contract.

Certificates of election.

SEC. 7. *Be it further enacted*, That the County Court shall, within ten days after the election of any such Commissioner, deliver to the Sheriff duplicate certificates thereof, giving the bounds of his road district, and said Sheriff shall deliver one copy to said Commissioner and make his return upon the other within twenty days, to be filed in the office of the County Court Clerk; and for failure to do so, said Clerk or Sheriff shall forfeit and pay five dollars (\$5) for each offense, to be recovered before any Justice of the Peace of his county by any road hand or taxpayer of such Commissioner's district, such penalty to be paid to the County Trustee for the benefit of the public roads of said district. The Sheriff shall be allowed fifty cents for delivering each certificate.

Oath and bond of Commissioners.

SEC. 8. *Be it further enacted*, That said Commissioner, before entering upon the duties of his office, shall take and subscribe to an oath before the County Court Clerk, to be filed by him with said Clerk, that he will to the best of his ability discharge all the duties of his office and properly account for all moneys and other property which may come into his hands by virtue of his office, and enter into a bond in the sum of \$700 for a faithful performance of his duties and money received.

Removal for cause of Commissioner.

SEC. 9. *Be it further enacted*, That the County Court may remove any Commissioner from office for failure to properly perform any of the duties required of him, but such Commissioner shall have at least five days' notice of the charges preferred against him, and shall be heard in his defense in person or by attorney; but when two or more highway districts have been consolidated, the office of any or

all Commissioners may be declared vacant by the County Court without notice.

SEC. 10. *Be it further enacted*, That each Commissioner shall keep in a book provided for that purpose a correct record of all of his official transactions, and shall make a full and complete report of the same to the County Judge or Chairman on or by the twenty-fifth day of December of each and every year, accompanying said report with an itemized statement showing the number and amount of each order drawn and to whom made payable, and when he has received any money from delinquent hands or other sources, a statement of his receipts and disbursements, and shall file with said reports the stubs of orders issued and receipts for money disbursed, and all other vouchers necessary to a full understanding of the transactions, which report, stubs, receipts, and vouchers shall remain and be preserved in the office of the County Judge or Chairman for inspection by the taxpayers of the respective districts.

Reports and  
accounts.

SEC. 11. *Be it further enacted*, That the County Court shall classify the public roads at the time the first Commissioners are elected under this Act, and thereafter at the January term of each and every year, and shall specify in each class the width of roadbed between the ditches and the distance between fences; *provided*, that same dimensions shall be within the provisions of this Act, which classification shall be entered of record in the office of the County Court Clerk in a book to be kept for that purpose; *provided*, that they do not divide the public highways into more than four classes of widths, to be hereinafter described.

Roads to be  
classified.

SEC. 12. *Be it further enacted*, That the Commissioner shall appoint all Overseers, who shall have charge of not less than three nor more than eight miles of road, and who shall reside on or near the section or sections of road over which they are respectively appointed, and who shall serve one year, or until his order of appointment is returned or his dismissal by the Commissioner. Within ten days after an Overseers is appointed, the Commissioner shall deliver to him an order, giving him the limit and class of his section or sections of road, the farms and residences allotted to said section or sections,

Overseers.

and the number of days the hands assigned him are liable to work upon the highways in any one year, and said Commissioner shall have regard to convenience of residence of such hands as much as possible, and may make such changes as are at any time deemed necessary.

Tools to be  
accounted  
for.

SEC. 13. *Be it further enacted*, That the Commissioners shall take charge of all road tools in their respective districts, and may require Overseers or contractors to give bond for the care of tools furnished them; and the Commissioners shall not allow any Overseer or contractor his pay until he shall account for all tools so furnished; and the Commissioners may also sue any Overseer or contractor for the loss of such tools, or any person for the conversion of the same or injury thereto.

Opening and  
changing  
roads.

SEC. 14. *Be it further enacted*, That all applications to open, change, or close a road shall be made by written petition, signed by the applicant, to the Commissioner of the district through which the road runs, or is asked to be located, specifying in particular the changes or action asked, or, if the road extends into two or more districts, or is the dividing line between districts, then to the Commissioners of said districts; but no road shall be opened, changed, or closed without giving at least five days' notice to all parties interested of the time said road or roads are to be opened, changed, or closed, and a surveyor or civil engineer may be employed if necessary to locate the same. Landowners and those controlling lands touched by the proposed highway or touched by the old road proposed to be changed shall be deemed interested parties. If any owner of the land so concerned is a nonresident, then notice to his agent or attorney, if any such agent or attorney resides in the county, shall be sufficient. If there be no such agent or attorney, then the notice shall be made by publication for four (4) consecutive weeks in the newspaper having the greatest circulation in the county, the last publication to be at least one (1) week before the hearing.

Publication—  
when.

Jury of view.

Where the opening, changing, or closing of a public highway only affects one Commissioner's district, the said Commissioner shall associate with himself two other freeholders of said district whom he has never consulted upon the question involved and who

shall be in no way related to the parties affected by such change, closing, or opening of said highway, and who shall take and subscribe to an oath before said Commissioner to act without favor or partiality in the matter, whose oaths thus subscribed shall become part of the record upon appeal being taken, and the said Commissioner and freeholders shall constitute a jury of view, and said jury shall have the power of condemnation and to assess damages, which shall be paid out of the general funds raised for county purposes upon the order of the Commissioner on the County Judge or Chairman of the County Court, who shall issue his warrant therefor if he approves the same.

Power of condemnation.

Any person or persons considering themselves aggrieved by the action of the jury of view may appeal to the next Quarterly County Court, and from there to the Circuit or Supreme Courts, but they must appeal from said decision within three days thereafter. In case of an appeal, the jury of view shall forward all the papers in the case, with their action on the same, to the said Quarterly Court appealed to. All costs accruing in such suit shall be paid by the appellant, if the action of the jury of view is sustained by the court giving final decision, unless for good reason it should otherwise order. Should such case be decided against the jury of view, then all costs and additional damages assessed by the court shall be paid out of the general fund raised for the current county purposes.

Appeals.

If the action of the jury of view be affirmed, the Commissioner or Commissioners shall then proceed as if no appeal had been taken; if otherwise, the order of the court shall be carried out.

All persons appealing from the decision of a jury of view to any court having jurisdiction of the matter shall execute a bond for the costs of the suit. In case of an appeal, the District Attorney-General shall attend the case for the county in the Circuit Court, and the Attorney-General for the State shall represent the county in such cases before the Supreme Court.

The jury of view, excepting the Commissioner, shall receive one dollar (\$1) per day for their services while engaged on same, which, with other costs and damages accruing upon the opening, closing, or

Compensation of jury of view.

changing of roads, shall be given out of the county funds upon the order of the Commissioner upon the County Judge or Chairman, upon which he shall issue his warrant, subject always to his approval.

May. waive  
damages.

Whenever landowners and those controlling land touched by the highway proposed to be changed, closed, or opened shall waive in writing any claim for damages sustained thereby, then the Commissioner or Commissioners shall proceed independently of a jury of view to execute the particular action asked in the petition, if in their discretion they think the public interest shall not be materially injured thereby.

The Commissioner may, without petition or application, proceed to open, change, or close and construct any public highway which he may deem to be necessary for the public interest upon giving notice as hereinbefore prescribed. Where any two road districts are involved in any question requiring a jury of view, the two Commissioners and one freeholder shall constitute said jury, and where three or more districts are involved, then the Commissioners of all the districts interested shall constitute the same, and no Commissioner shall be required to take an oath before serving on such jury of view. Said freeholder shall draw the same per diem, to be paid in the same manner, when one on jury of view as hereinbefore set out.

Purchase of  
tools.

SEC. 15. *Be it further enacted*, That the Commissioner or Commissioners shall purchase all necessary tools, including improved scrapers, etc., for working highways, and may also purchase timber and other material to keep the highways and bridges in repair, and may contract for building necessary bridges and other work, to be paid for upon the order of said Commissioner with any money in the hands of the Trustee belonging to the road fund of their respective districts, but they shall not contract any debt to be paid for by any future assessment unless authorized by the County Court, and in no case shall any contract be let to a Commissioner.

Nothing in this Act shall prevent the County Court in quarterly session in contracting for the building of bridges by special contract, to be paid for either out of district or districts' fund or out of the general fund collected for county purposes.

**SEC. 16.** *Be it further enacted,* That in laying out new roads or changing the location of old roads, the roads shall be placed upon grounds as nearly level as practicable, so as to avoid heavy grades, and it shall be the duty of the Commissioner to see that this is done, and it shall be his duty to reduce the grades on all roads as far as a judicious expenditure of the means at his command will allow by cutting down sharp points, embankments, and hills. Where roads can be changed so as to avoid hills and heavy grades without too great a diversion of the route, and without too great an expense to individuals and the public, the Commissioner shall endeavor to secure such a change.

To avoid heavy grades.

**SEC. 17.** *Be it further enacted,* That the Commissioner may remove any Overseer from office who shall fail or refuse to perform his duty or comply with any reasonable order of said Commissioner; and in all disputes with hands or taxpayers in regard to their respective duties, the Overseer shall refer the matter in dispute to the Commissioner and abide his decision.

Removal for cause of Overseer.

**SEC. 18.** *Be it further enacted,* That the Commissioners shall settle with the Overseers in their respective districts before the twenty-fifth day of December of each and every year for services rendered by giving an order to the County Judge or Chairman for the amount due, and shall require each Overseer to make oath before some Justice of the Peace of his county of the number of days of actual service, and may require other proof when necessary, or when he thinks said amount so sworn to is not correct, and shall require proof of the safe-keeping of all tools furnished said Overseer before giving order for his per diem.

Settlements.

**SEC. 19.** *Be it further enacted,* That when any person subject to road duty has been legally notified as provided in this Act, and shall fail or refuse to work, or willfully disobeys the summons of the Overseer, who shall fail or refuse to commute for such work, it shall be the duty of such Overseer to report such default to the Commissioner of his district, whose duty it shall be to bring suit against the person or persons so defaulting before any Justice of the Peace in the county for double the amount of the claim and recover judgment, to which shall be

Commissioners may bring suit for work due.

added the costs against such person or persons; and no property or wages, except the homestead, shall be exempt from execution for the payment of said judgment and costs.

SEC. 20. *Be it further enacted*, That any such person or persons willfully disobeying the Overseer's summons, or so failing or refusing to commute as above, shall be guilty of a misdemeanor and liable to a fine and punishment as in other misdemeanors.

Any money collected by execution or fines imposed and collected under the provisions of this Act shall be paid by the officer or persons collecting the same to the Commissioner, to be applied by him to the road upon which the offender was assigned to work or paid to Trustee, to be held for the district.

Nothing in this Act shall abridge the right of any offender to submit his case before any Justice of the Peace of his county.

SEC. 21. *Be it further enacted*, That Overseers, upon receiving their orders of appointment, shall take immediate supervision of their respective roads, and may work any part of the same at any time they may think necessary or the Commissioner may direct; *provided*, it be within the time prescribed by the County Court, by giving three days' notice to hands, Sunday excepted, subject to work upon said road or roads.

Warning by  
Overseer.

A legal notice shall consist of a verbal warning by the Overseer or a written notice left at the home or usual stopping place or residence of any hand, and said Overseer shall be present and superintend all work done, unless unavoidably prevented, in which case they shall have the right to name one of the hands on their road to act in their enforced absence, but in no other case; and they shall not require more than three days' work in any one week for any section or sections of road, nor shall any Overseer receive pay for more than one warning or notice to hands for one working; *provided*, that notice given to hands at the close of any day worked to work on any subsequent day or days within the next thirty days, fixed and designated by said Overseer, shall be a legal and sufficient notice.

Emergency  
repairs.

SEC. 22. *Be it further enacted*, That if any highway or bridge shall become impassable by reason of any casualty, from any cause whatever, Overseers



may or Commissioners may contract with any hands on the section of road where such casualty occurs for the repair of the same, and shall give such hands credit for the time employed on their labor assessment for the ensuing year; and the Commissioner shall have power to expend a reasonable amount of money, if deemed necessary, in helping to make such repair or repairs if necessary if said casualty is in his district, and Commissioners jointly if in two or more districts where said work would be done jointly.

SEC. 23. *Be it further enacted*, That any Overseer or any person acting under his authority may enter upon any lands adjoining or near to his section of road to construct any drain or ditch necessary for the preservation or improvement of such road or to obtain any rock, gravel, timber, or other material for use upon said road, *provided* he can do so without imposing any material damage upon the owner or occupant of such land, said owner or owners or occupants being first consulted, and a fair valuation being agreed upon by the Overseer before removing the same, to be paid for by order of the Commissioner as hereinbefore provided.

SEC. 24. *Be it further enacted*, That Commissioners shall furnish durable mileposts, giving distance to county seats or prominent places, on all first and second-class roads and require the Overseer of each section upon said road to erect said posts and to keep the same up; and Overseers shall keep guideposts at all cross roads or forks of roads of the two above-named classes, directing to the most public place on each road, and place foot logs, with hand rails, over all streams where there is not a bridge at or near the place where the road cross, if practicable; and any person who willfully damages such mileposts, guideposts, or foot logs in any manner shall be guilty of a misdemeanor, subject to indictment by the grand jury, and, if convicted, shall be fined as in other misdemeanor cases.

Mileposts,  
guideposts,  
and foot logs.

SEC. 25. *Be it further enacted*, That Overseers shall dismiss from service upon the road any hand or hands, whether working for himself or as a substitute, who shall fail to do good and sufficient work or shall hinder other hand, or who may be intoxicated, or who shall fail to obey any reasonable orders of

the Overseer, and it shall be the duty of the Commissioner, when notified by the Overseer, to proceed against said hand or hands as though he or they had refused to obey the notice to work said roads.

Roads  
classified.

SEC. 26. *Be it further enacted*, That all roads laid off and worked under this Act shall be known and classified as first, second, third, and fourth-class roads. Roads of the first class shall be not more than forty nor less than twenty-four feet wide; roads of the second class, not more than twenty-four nor less than sixteen feet wide; roads of the third class, not more than sixteen nor less than ten feet wide; and roads of the fourth class, not more than ten feet nor less than eight feet wide; and all roadbeds of the first-class roads shall have a worked width not less than twenty-four feet; of the second class, not less than sixteen feet worked roadbed; of the third class, not less than a roadbed of ten feet in width worked; and of the fourth class, a roadbed of not less than eight feet to be worked. If the County Court deems that a road shall have a worked roadbed of more width than herein set out, it shall so order the Commissioner to have such work done. In working said roads and in constructing roadbeds broken stones or gravel shall be used when the same can be procured easily or conveniently to form the surface, and said roads in being worked shall not be worked by plowing up a roadbed, unless the same shall be deemed absolutely necessary; and, *provided, further*, that where it is possible and practicable that roadbeds shall be graded with at least a fall of one inch to the foot from the center to the ditches on the side. Overseers shall maintain ditches wherever it is possible to do so on each side of the road adequate to give a good and sufficient drain for the roadbed.

Construction  
of roadbeds.

Ditches.

SEC. 27. *Be it further enacted*, That the bed of no stream of running water shall be measured as the width of any road, and the Overseer, by and with the advice of the Commissioner or Commissioners, shall open all roads to the width set out in this Act when necessary for a proper working of the same; and the Commissioner or Commissioners shall assess damages as hereinabove provided.

SEC. 28. *Be it further enacted*, That if any highway worked under the provision of this Act shall be the

dividing line between two or more districts, the Commissioner of the respective districts may divide the same, or may by agreement work by joint effort; but if said Commissioners fail to agree, then the same shall be referred to the County Judge or Chairman, who shall select three disinterested Justices of the Peace, who, in conjunction, or without, the County Judge or Chairman and the two Commissioners, shall determine how said road shall be worked, and it shall be the duty of the Commissioners to abide by and perform the decision of said Board, said Board to be paid as hereinabove provided for members of juries of view.

Where road is  
dividing line  
of two  
districts.

SEC. 29. *Be it further enacted*, That any person or persons who shall put, haul, or otherwise place or cause to be placed on any public highway any obstruction which may damage the same or obstruct the travel along same, or who may encroach upon said road by a fence or otherwise shall be deemed guilty of a misdemeanor, and subject to fine as in other cases of misdemeanor. The Commissioner in whose district said road may be damaged or obstructed as hereinabove set out shall, within thirty days, bring suit against such offender or offenders, or he shall be subject to a fine of five dollars, which may be recovered by any hand subject to road work in the district, such fine when so collected shall be paid to the County Trustee by any one collecting the same for the benefit of the road district wherein the Commissioner is.

Obstructions to  
public roads.

SEC. 30. *Be it further enacted*, That if any Overseer or Commissioner shall willfully fail or refuse to perform any duties required of him by the provisions of this Act, or who shall show any partiality or discrimination in the exercises of his duties, shall forfeit and pay not less than ten (\$10) nor more than twenty-five dollars (\$25) for such or each offense, to be recovered by any person suing therefor before any Justice of the Peace, which fine shall be paid by the officer collecting the same to the County Trustee for the benefit of the road fund of such district wherein such offense occurred, and for continued neglect in office of the roads by any Overseer or Commissioner they may be indicted, and, upon conviction, may be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) and cost,

Penalties.

the District Attorney-General to be the prosecutor, and the Judge of the courts shall give this Act in charge to the grand jury in counties where the same is applicable; but it shall be a good defense for any Commissioner or Overseer failing to keep in good repair any highway to show by proof that the entire assessment in labor and taxes was applied in good faith to such highway as soon as practicable after said money and labor was available to be used.

Compensation  
of Commis-  
sioners and  
Overseers.

SEC. 31. *Be it further enacted*, That each Commissioner and Overseer shall be exempt from working on highways, except in performance of their official duties imposed under this Act, but they shall not be required to contribute more than six days of their service to make up for number of days assessed against road hands by the County Court, but they shall contribute six days free of charge unless exempt from road work. Said Commissioners and Overseers shall be paid one dollar and fifty cents (\$1.50) for each day's service in excess of the six days required by law herein enacted of them free of charge, except those exempt from road work. A day's work for them shall be eight hours; *provided*, that on the payment of Commissioners and Overseers the amount added to other expenditures in each district shall not exceed the amount distributed to said district by the County Court for any one year, and the Commissioner shall make affidavit to his account for labor, giving an itemized statement of the same, subject to the approval of the County Judge or Chairman, who shall require proof if he so desire as to the correctness of said account.)

SEC. 32. *Be it further enacted*, That the provisions of this Act shall not apply to incorporated cities or towns, except such towns as are not taxed to keep up their streets, but the County Court of the respective counties shall order the enforcement of the provisions of this Act in such towns as are not taxed to keep up their streets, and which fail to work the same by municipal authority, or have a method for working same.

County Judge  
to furnish  
blanks, etc.

SEC. 33. *Be it further enacted*, That the County Court shall, at the expense of the county, to be paid out of the general county funds, furnish to each Commissioner a stub receipt book, to be used by him in receipting for fines or money from delinquent

hands or other source; also a stub order book, to be used by him in giving all orders on the County Judge or Chairman; also a receipt book, to be used by him when money collected by him is paid out for any purpose, all of which stubs and receipts shall be returned with his annual report to the County Judge or Chairman as exhibits to said report and a part of same.

SEC. 34. *Be it further enacted*, That it shall be the duty of the County Court to furnish each Highway Commissioner at the time or shortly after his election a copy of this Act, and for that purpose any counties coming within the provisions of this Act shall have copies of this Act printed or secure enough copies of the same to supply each Commissioner and Overseer with a copy—that is, of this individual Act and separate chapter of the General Acts.

To furnish  
copy of this  
Act.

SEC. 35. *Be it further enacted*, That any suit brought under this Act for the enforcement of the provisions of same or any one provision of same, when brought in good faith by the Commissioner, in case the cost or costs of said suit shall be assessed against the Commissioner shall be paid out of the road fund of the district or districts in which and of which said Commissioner is an officer, to be paid upon a certified statement of the Judge or Justice of the Peace trying the case, which, when approved by the Commissioners, shall be paid by the County Judge or Chairman by warrant drawn upon the Trustee.

SEC. 36. *Be it further enacted*, That all persons who are or shall be confined in county jails or workhouses, either under sentence for crimes or imprisoned for nonpayment of fines and costs shall be available to the Commissioner or Commissioners for the purpose of working them upon the public highways. The prisoners to be obtained from the person or persons in charge of them upon the order of the County Judge or Chairman under such terms as may be agreed upon between him and the Commissioner in open Quarterly Court.

Workhouse  
prisoners.

The Sheriff or jailer having such person or persons in their possession shall deliver them to the Commissioner upon presentation of order from the County Judge or Chairman, or to the Overseer rep

resenting said Commissioner. Said Commissioner and Overseer shall be responsible for the safe-keeping of such persons by them obtained for work while under their control, and said prisoner shall receive credit for all work so done by him, to be applied upon the fine or fines and costs which he may be owing, or upon his imprisonment, under the law governing workhouses.

If any prisoner be allowed to escape, said Commissioner or Overseer shall be responsible for their recapture, and shall offer a reasonable reward for same; and if recaptured, shall pay such person or persons recapturing them. If such prisoner or prisoners be allowed to escape by negligence or connivance of the Commissioner or Overseer, he shall be liable to a fine, as being guilty of a misdemeanor.

All such prisoners who are so worked under the provisions of this section of this Act shall be worked separate and apart from the other road hands.

Highway tax  
levy.

SEC. 37. *Be it further enacted*, That the County Court shall, at the first quarterly session after the passage of this Act, or if at a called session for the purpose of electing Commissioners under this Act, and at each January term thereafter, assess the number of days to be worked by the road hands, which shall be not less than six days nor more than twelve days upon the highways; and to assess the highway tax, and said highway tax shall be not less than ten nor more than twenty-five cents on each hundred dollars' worth of property as shown by the assessment made by the county or District Assessors, and on privileges not more than one-fourth of the assessment for county purposes. All taxes assessed and collected as provided in this Act shall be expended in the road districts in which such assessment is made; *provided*, that the railroad tax of any county shall be distributed among the several districts of the county by the County Court as said court may from time to time elect to a quarterly session; and each County Court shall have the power to provide that a part of the property tax, not to exceed two-thirds of the amount assessed against any person or persons or corporation, may be paid by labor, for which labor the Commissioner shall not pay a higher rate than that set out by the County Court, which court shall assess the rate to be paid by the Com-

-missioner, whenever said Commissioner so asks that the same be done, the Commissioner giving to the persons or person so electing to pay such portion of the tax as he may a receipt, showing the amount that has by him been paid in labor, which receipt shall be received by the County Trustee the same as money in part payment of road tax due by such person or persons, and shall keep such receipt, to be by him used and counted as a credit for him when he settles with the County Judge or Chairman in his settlements.

SEC. 39. *Be it further enacted*, That a day's work, Eight hours a day's work. either by road hands or by Overseers, or by Commissioners, under this Act, shall be eight hours. Said Commissioners and Overseers shall not be allowed to work or charge for working more than twenty days in any one year without a special order from the County Court in quarterly session.

SEC. 40. *Be it further enacted*, That the Clerks of Tax lists. the County Court shall furnish to the Commissioners by the first Monday in July of each and every year a correct and itemized list of all the taxpayers, with the amount of tax due by each that can be paid in labor, and for such lists the County Court shall pay said Clerks a reasonable compensation out of the road fund of district for which made.

SEC. 41. *Be it further enacted*, That all male inhabitants over eighteen and under fifty years of age, except such as are permanently disabled from performing ordinary labor and are released by the Commissioner by order of release from the County Court, shall work on the road as many days each year as prescribed within the limitations hereinbefore set out as the County Court shall prescribe the same to be. Any hand may be exempted from work by furnishing in his place an able-bodied hand or by paying seventy-five (75) cents for each day to the Road Commissioner. Road duty—  
who liable.

When, by permission of the Commissioner, wagons and teams are furnished to work out labor tax, a day's work with a two-horse plow or wagon and team shall exempt one hand from two days' work; one horse and plow shall exempt one hand from one day's work.

When teams and wagons or plows, etc., are furnished not described in the above clause, the Com-

missioner shall allow a reasonable compensation, to be paid as hereinabove set out for other work.

**Assessments.**

SEC. 42. *Be it further enacted*, That all assessments for highway purposes shall be collected as other revenue for the county by the Trustee, who shall be allowed a commission of two and a half per cent for collecting and paying out the same, but he shall not be paid a per cent on tax worked out.

SEC. 43. *Be it further enacted*, That all of said highway tax shall remain in the hands of the Trustee, and shall be paid out only upon the warrant of the County Judge or Chairman issued upon the written order of the Commissioner, which shall state specifically for what purpose the same shall be paid.

SEC. 44. *Be it further enacted*, That the Trustee shall make settlement of highway tax with the County Judge or Chairman at the same time and in the same manner that he does of other tax collected by him and of which he has to make settlement.

SEC. 45. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed; *provided*, that nothing in this Act shall be construed or shall abridge, alter, or impair the power and authority the County Court now has over the bridges and culverts of the counties, except bridges under twenty-five feet in length, which shall be under the management and control of the Commissioner, subject to the orders of the County Court. Nothing in this Act shall prevent the County Court from building bridges or repairing and maintaining the same. This Act shall in no way abridge or impair the power and authority of the County Court over the jails and workhouses and the inmates thereof situated in the county—that is, in the working of the same.

**Contract.**

SEC. 46. *Be it further enacted*, That the Quarterly Court be empowered and authorized to let any particular road or road section out to contract, in which event the same provisions herein set out as applicable to Overseers and road hands shall apply to such contractors in working the hands assigned to such roads, and said hands so assigned to work their time on such roads shall bear the same relation to such contractor or contractors as they would to an Overseer. In case the Quarterly County Court should elect to have any road or roads built or worked by



special contract, said court shall specify and set out on its minutes and by written contract with the contractor the nature and character of the work to be done and extent of the same, and the County Judge or Chairman and the Commissioner or Commissioners of such road district or road districts shall constitute a board for letting such road to contract.

The contractor shall execute a bond, payable to said board for the use of the county, in double the amount for which the contract shall be let, for the faithful discharge of the duty; and taxes due from and for road purposes from the district or districts, and the labor performed by the hands assigned to such road and contractor shall be used in payment or part payment as the same may be necessary for the work done under the contract, and the remainder, if any, be paid out of the county treasury by direction of the Quarterly County Court after same has been ratified by the board in charge of such work.

SEC. 47. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 263.

### HOUSE BILL No. 669.

(By Messrs. Galloway and Lipscomb.)

AN ACT to establish the boundary line between the counties of Maury and Lewis, and to repeal all laws in conflict with this Act.

Boundary line  
between  
Maury and  
Lewis  
Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act the boundary line between the county of Maury and the county of Lewis shall be as follows:

Beginning on the Lawrence County line where it crosses the east boundary line of Entry No. 888 for 195 acres in the name of John Stockard, 19 miles from Columbia and 19 7-8 miles from Hohenwald, and runs north with the east boundary said entry about 73 poles to northeast corner, same course with a new line dividing C. R. Craig, Entry No. 875 for 198 acres, in all 243 poles, a small stone with hickory pointer in south boundary line of Entry No. . . , in the name of Samuel Stewart, for . . . acres; then east with his south boundary 66 poles, his corner and southwest corner of Entry No. 374, in the name of R. O. Smith, for 394 acres; then north with Smith's west boundary line 186 poles to his and Stewart's corner in Smith's boundary line of Entry No. 34, in the name of A. H. Buckner, for 715 acres; then east [with] Buckner's and Smith's line 150 poles to a stone in the north boundary line of Entry No. 808, in the name of Johnston Craig, for 200 acres; then north with Buckner's and Craig's line 60 poles, Craig's corner; thence south [with] Craig's and Buckner's line 20 poles to a small hickory; then north with Buckner's east boundary, crossing the Nashville, Florence and Sheffield Railroad at 150 poles, 16 poles east of the 18 milepost on said railroad, in all 188 poles to Buckner's corner; then east [with] Buckner's line 44 poles to stake (17 miles from Columbia); then north [with] Buckner's line 154 poles to a rock, the southeast corner of Entry 823, in

the name of John D. Williams, for 200 acres, and southwest corner of Entry 735, in the name of Jesse M. Gordon, for 164 acres, continuing same course with Williams' east boundary line 150 poles to corner of Entry No. 850, in the name of Johnathan Janes, for 200 acres; then west with Williams' and Janes' line 89 poles to corner of Entry No. 928, in the name of Stepord Gordon; then north [with] Janes' and Gordon's line 104 poles to corner of Entry No. 857, in the name of Ezra Durham, for 200 acres; then north 38 east with Janes' and Durham's line 57 poles to the southwest corner of Entry 300, in the name of W. H. Barr, for 177 acres (put into Maury County by Act of 1893, Chapter 7, February 9); then north with Durham and Barr entries 176 poles to northeast corner of Durham's entry, a point 16 miles from Columbia; then west with the south boundary line of Entry No. 298 for 68 acres, in the name of Young Ball, and Durham's line 67 poles to the southeast corner of Entry No. 910, in the name of David Ray, for 200 acres; then north with Ray's and Ball's line 112 poles to their corner in Stephen Beckum's south boundary line (put into Maury County by Act of 1869, Chapter 30, December 7); then west with Beckum's and Ray's line 26 poles; then north with same 97 poles to their corner; then west with same 80 poles to Ray's corner in the east boundary line of Entry No. 909, in the name of Elijah Ray, for 145 acres; then north with Beckum and Ray 66 poles to northeast corner of Entry 909 (in a line run by Frierson in 1852), C. S. Williams' most southern southeast corner; then west with Williams' and Ray's line 94 poles to southwest corner of Entry No. 339, in the name of C. S. Williams, for 285 acres, and the southeast corner of Entry 882, in the name of A. Beckum, for 146 acres, and runs north [with] Williams' and Beckum's line 186 poles as per Act of 1869; then [with] Williams' and Beckum's line 20 poles; then north, passing Beckum's corner at 44 poles, the southeast corner of Entry No. 842, in the name of Richard Jennings, for 200 acres, and Jennings' east boundary line, passing Williams' at 56 poles, in all 186 poles; then west with Jennings' entry (Math. McClain) 34 poles to a point on bluff; then north, crossing West Fork of Bigby 8 poles and mouth of Holmes' land at 13 poles (18 1-2 miles from

Same.

Hohenwald), same course on the line between A. W. Goodman and Mort Cooper, in all 102 poles to their corner in Southworth's south boundary; then west [with] Goodman's and Southworth's line 30 poles to a set stone; then north, their line passing Goodman's corner at 33 poles, a stone, Cooper's corner, and passing his corner at 130 poles, M. E. Wheeler's southeast corner, same course in all 168 poles to Wheeler's and Southworth's corner; then west [with] their line 13 poles to a set stone, their corner; then north [with] their line 78 poles to a stone, Wheeler's corner, in Southworth's west boundary line, George Hogue's corner; then west [with] Wheeler's and Hogue's line 82 poles to a small hickory, their corner; then north [with] their line, crossing road at 82 poles, in all 122 poles to a large chestnut stump 1 pole south of a road leading hill blackgum pointer (15 1-2 miles from Columbia); then west with Wheeler's line, crossing road at 22 poles, and crossing main ridge road at 102 1-2 poles, and the railroad from Mount Pleasant to Gordonsburg at 122 [poles], in all 126 poles to a white oak, Wheeler's corner, the northeast corner of Entry 881, in the name of Samuel Irvine, for 195 acres, and with the north boundary line of the same 294 poles, in all 420 poles to large black oak in Pogue's and Akin's line; then south 14 poles to their corner, Akin's and Brown's corner, a stake; then west [with] their line 84 poles to their corner; then north [with] their line, passing Akin's and Brown's corner at 67 poles, a black gum, same course with the west boundary line of Martin, Entry No. . ., passing his corner at 155 poles, the southwest corner of Entry No. 127, in the name of J. D. Rains, for 200 acres, same course, passing southeast corner of Entry No. 177, in the name of T. Grimes, for 200 acres, at 253 poles, in all 403 poles to the northeast corner (10 3-4 miles to Columbia) of Entry No. 177; then west [with] the same 80 poles to the right of way of railroad; thence westwardly with railroad right of way 202 poles to the west boundary line of Entry 190 in the east boundary line of Entry No. 12, in the name of West and Akin, for 3,985 acres; then north [with] West's and Akin's line 83 poles to the southeast corner of Entry No. 837, in the name of A. H. Buckner, for 200 acres, West's and Akin's corner in Flowers' west bound-

ary line; then west with Buckner's line 197 poles to <sup>same.</sup> his corner, his and West's and Akin's corner; then north [with] their line, passing Buckner's corner at 191 poles, Hugh Farris' southwest corner, in all 218 1-2 poles to West's and Akin's corner and Farris' corner in the south boundary of Entry No. 835 for 175 acres; then west with West's and Akin's line 100 poles to corner of Entry No. 835; then north 34 poles to corner of West's and Akin's most northern northeast corner and the southeast corner of Entry No. . . for 200 acres, in the name of A. J. Pugh; then west [with] their line 137 poles to his southwest corner in West's and Akin's north boundary (a point 14 3-4 miles from Hohenwald); then north [with] Pugh's west boundary line 110 poles to his corner, south boundary line of Entry No. 134, in the name of Porter, for 196 acres; then west [with] Porter's line 20 poles to corner of same; then north 105 to Porter's corner; then north 18 degrees west 64 poles; then north, passing the southwest corner of Entry No. 898, in the name of P. A. Kirk, for 200 acres, at 35 poles, in all 290 poles, northwest corner of Entry 898; then east with the same 20 poles to southwest corner of Entry No. 879, in the name of Samuel Whiteside, for 96 acres; then north [with] his line 160 poles, his corner; then east [with] his line 20 poles to a stone; then north [with] his line 36 poles to his corner in south boundary line of Entry No. 858, in the name of A. Brown, for 64 acres; then east with the same, passing Brown's corner at 40 poles, and passing southwest corner of Entry No. 821 and with same 76 poles to southwest corner of Entry No. 820, in the name of S. J. Strayhorn, for 65 acres, and with same 40 poles to the southeast corner in west boundary line of Andrew Kennedy entry for 640 acres; then north with Strayhorn's east boundary line, passing his northeast corner at 190 poles to and passing William Scott's southeast corner, and with his west boundary line to his corner, in all 545 poles to Brown's corner; then west with William Scott's line 15 poles to his corner; then north [with] his line and Z. W. Scott's east boundary line 200 poles to Z. W. Scott's northeast corner; then west [with] his line 134 poles to his corner in Whitesides' east boundary line; then north [with] Whitesides' line 49 poles to a white oak on south side of

Natchez Road in Hickman County line. All lands added to either county by this Act shall be added to the civil district adjoining said lands.

SEC. 2. *Be it further enacted*, That all Acts of the Legislature heretofore passed establishing the boundary line between said counties of Maury and Lewis are hereby repealed.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 264.

### HOUSE BILL No. 242.

(By Mr. Stewart, of Cannon.)

**AN ACT** to provide for the improvement of the system of Public Education of the State of Tennessee—that is to say, to establish a General Education Fund by appropriating thereto annually twenty-five per cent of the gross revenue of the State; to provide for the apportionment of this fund and specifying what part shall be apportioned to the several counties of the State on the basis of scholastic population; what part shall be used to equalize more nearly the school facilities of the several counties, and the conditions on which this part shall be apportioned; what sum shall be used to assist in paying salaries of County Superintendents, and on what conditions; what part shall be used to encourage and assist in the establishment and maintenance of public county high schools, and on what conditions; and providing for the grading and inspection of high schools; what part shall be used for the establishment and maintenance of school libraries and on what conditions; what part shall be used for the establishment and maintenance of three Normal schools for white teachers, one in each Grand Division of the State, and one Agricultural and Industrial Normal School for negroes, and providing for the location, establishment, and control of said schools; and what part shall be apportioned to the University of Tennessee and its various stations; and to repeal Chapter 537 of the Acts of 1907.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That for the purpose of improving, unifying, and extending the systems of Public Education of the State of Tennessee, for the purpose of giving more adequate support to public schools of all grades, and for the purpose of extending the benefits of the school system more equally to all the sections, counties, and districts of the State, a General Education Fund shall be, and the same is hereby, created, and for the year one thousand nine hundred and nine and annually thereafter twenty-five per cent of the gross revenue of the State shall be paid into this General Education Fund, to be apportioned as hereinafter provided; and the Comptroller of the Treasury shall pass, and he is hereby directed to pass, on the first day of January and the first day of July of each and every year, to the credit of said General Education Fund, the amount due thereto according to the provisions of

General  
Education  
Bill.

General  
Education  
Fund  
created.

this Act, and to distribute the same as hereinafter provided.

Per capita  
apportion-  
ment.

SEC. 2. *Be it further enacted*, That sixty-one per cent of the General Education Fund provided by this Act shall be apportioned to the several counties of the State according to scholastic population, as the interest on the permanent school fund is apportioned and for the same purposes.

Special fund to  
equalize  
schools in  
certain  
counties.

SEC. 3. *Be it further enacted*, That ten per cent of the General Education Fund provided by this Act shall be, and the same is hereby, set aside as a special fund to be used and expended for the purpose of more nearly equalizing the common schools in the several counties of the State, the same to be apportioned among the several counties of the State by the State Board of Education in accordance with the provisions hereinafter set forth.

What counties  
may receive.

*Provided*, that before any county shall be eligible to receive any portion of this ten per cent of the General Education Fund provided by this Act, it shall levy for public schools, including the school taxes levied by the State, and excluding taxes for public high schools, a tax of not less than forty cents on each hundred dollars of taxable property, a tax of two dollars on each taxable poll, and all the privilege taxes which the laws of the State permit counties to levy for school purposes; and, *provided, further*, that this special fund of ten per cent of the General Education Fund provided by this Act shall be apportioned among the counties of the State that comply with the provisions of this section of this Act in proportion to their scholastic population and in inverse ratio of the taxable property of the several counties to scholastic population, and to be distributed as other school funds coming into the Trustee's hands are distributed; *provided, further*, that before any apportionment of this ten per cent is made, there shall, for the year 1911 and annually thereafter, first be deducted from it such an amount as may be necessary to pay a portion of the salaries of County Superintendents of Public Instruction, as provided in Section 4 of this Act.

SEC. 4. *Be it further enacted*, That for the year one thousand nine hundred and eleven and annually thereafter, before appropriating the ten per cent of the General Education Fund provided in Section 3



of this Act, the sum of thirty-three thousand six hundred dollars (\$33,600) of the ten per cent mentioned in Section 3 of this Act, or so much thereof as may be required by the provisions of this section, shall be set aside to assist the several counties of the State to pay more adequate salaries to the County Superintendents, and that there may be more competent supervision of the public schools. Each county in the State shall receive from this fund, to be paid on the salary of the County Superintendent, an amount equal to that which is paid by the county; *provided*, that no county shall receive from this fund for this purpose more than \$350 in any one year; *provided, further*, that any County Superintendent receiving the maximum amount (\$350) from this fund as herein provided shall devote all his time to the duties of the office for a period not less than nine months in the year, and he may be required to devote thereto all his time for the entire year.

Appropriation to supplement salaries of County Superintendents.

How obtained.

*Provided, further*, that not more than half the amount apportioned to any county under the provisions of this section of this Act shall be paid to said county until all reports required of the County Superintendent and other county school officers have been made accurately and satisfactorily, and until all other duties required of the County Superintendent by law have been faithfully performed.

Reports required of County Superintendents.

All funds apportioned to any county under the provisions of this section of this Act shall be paid by the Comptroller on the certificate of the State Superintendent of Public Instruction and as other school funds are paid.

State Superintendent to certify to Comptroller.

**Sec. 5.** *Be it further enacted*, That eight per cent of the General Education Fund provided by this Act shall be used as a high-school fund, to encourage and assist the counties of the State to establish and maintain public county high schools as hereinafter provided.

High-school fund.

It shall be the duty of the State Board of Education to grade all high schools now established and maintained or that in the future may be established and maintained under the provisions of the county high-school law; to prescribe their minimum courses of study, requiring the elements of agriculture and home economics to be taught in all schools; and to

State Board of Education to grade high schools.

classify them as high schools of the first, second, and third class.

To adopt regulations for disbursement of high-school fund.

Under such regulations as may be prescribed by the State Board of Education, all qualified public county high schools may receive assistance from the fund provided by this Act and this section of this Act in proportion to the amount of money received by the several schools from other sources and expended annually for the payment of teachers' salaries and incidentals, not including permanent improvements of grounds or buildings; *provided*, that no county may receive in any one year more than one-fiftieth part of the total fund provided by this section of this Act for that year, and that no one school shall receive from this fund more than one-third the amount received from other sources and expended in that year for its maintenance, not including any amount expended for permanent improvements.

All applications for assistance under the provisions of this section of this Act shall be made in such way as may be prescribed by the State Board of Education, and all payments shall be made on the certificate of the President and Secretary of said Board.

High-school teachers to be examined and licensed.

All teachers in the public county high schools receiving aid from this high-school fund under the provisions of this section of this Act shall be examined and licensed under regulations prescribed by the State Board of Education, and said Board is hereby empowered and instructed to make rules and regulations for the examination and licensing of such teachers. The State Board of Education shall have the power, and the same is hereby authorized, to employ an Inspector of High Schools at such annual salary as it may determine, his salary and traveling expenses, when engaged in the work of high-school inspection or the performance of other related duties assigned him by the State Board of Education, to be paid out of the high-school fund herein provided. Said High School Inspector shall have his office in the office of the State Superintendent of Public Instruction, and shall give his time to the inspection of high schools in the State and such other related duties as may be assigned him by the State Board of Education, and shall make reports of his

Inspector of High Schools.

work and of the conditions of the high schools of the State as required and directed by said Board.

Any portion of the high-school fund of any year provided by this Act and this section of this Act that cannot be apportioned to the public high schools of the State without exceeding the ratio to income of such schools as provided in this section of this Act shall revert to the school fund provided in Section 2 of this Act and be apportioned as therein provided.

Surplus to  
revert to per  
capita appor-  
tionment  
fund.

SEC. 6. *Be it further enacted*, That one per cent of the General Education Fund provided by this Act shall be used to encourage and assist in the establishment and maintenance of libraries in the public schools as herein provided.

Public school  
library fund.

Whenever the patrons and friends of any public school in any county of the State shall raise by private subscription or otherwise and tender to the County Trustee, through the County Superintendent of Public Instruction, the sum of twenty dollars (\$20) or more for the establishment and maintenance of a library for that school, said County Superintendent shall notify the State Superintendent of Public Instruction, and, upon the certificate of the State Superintendent of Public Instruction, the Comptroller of the Treasury shall pay to the Trustee of said county, out of the fund herein provided, a sum equal to half that raised by private subscription or otherwise, to be added to the library fund of said school; and whenever ten dollars (\$10) or more shall be raised by private subscription or otherwise to supplement a library already established under the provisions of this section of this Act, said library may in like manner receive from the fund herein provided a sum equal to half the sum so raised.

*Provided*, that no school shall receive in any one year from this fund more than twenty dollars (\$20) for the establishment of a new library, or more than ten dollars (\$10) to assist in supplementing a library already established.

*Provided, further*, that in distributing the funds under the provisions of this section of this Act preference shall be given to applications coming from counties which have not previously received their proportionate part of this fund according to scholastic population.

*And, provided, further*, that preference shall be

given to applications for assistance to establish new libraries rather than applications to assist in supplementing libraries already established.

State Board to  
issue  
approved  
lists of books.

It shall be the duty of the State Board of Education to make and cause to be published through the office of the State Superintendent of Public Instruction rules and regulations for libraries established under the provisions of this section of this Act, issue approved lists of books from which purchases for said libraries may be made with money received from the State as herein provided, and arrange for the purchase of such books at the lowest possible prices. All libraries receiving assistance from this fund shall comply with all the regulations made by the State Board of Education, as herein provided. All money received from the State to assist in establishing or supplementing a library under the provisions of this section shall be used to purchase books on the approved lists aforesaid, and no books shall be purchased at a higher price than the price in said approved lists. All purchases of books shall be reported to the County Superintendent, and a list of the same shall be attached to the warrant issued in payment of the same; and no commission shall be allowed the County Trustee on library funds.

Circulating  
libraries.

One-fifth of the amount accruing annually for school libraries under the provisions of this Act may be used for the purchase and maintenance of circulating libraries for the public schools of the State under the joint direction of the State Library and the Department of Public Instruction.

State Normal  
Schools.

SEC. 7. *Be it further enacted*, That thirteen per cent of the General Education Fund provided by this Act may be used for the establishment and maintenance of Normal schools solely for the education and professional training of teachers for the elementary schools of the State, as herein provided. One Normal school for the education and professional training of white teachers shall be established and maintained in each Grand Division of the State, and shall be open and free alike to white males and females resident in the State of Tennessee; and one Agricultural and Industrial Normal School for the industrial education of negroes and for preparing negro teachers for the common schools shall be established and maintained, and shall be open and free alike to

**negro males and females resident in the State of Tennessee; but no person shall be admitted to either of these schools who is under sixteen years of age and who has not finished at least the elementary school course prescribed for the public schools of the State; nor shall any person be admitted to either of the Normal schools for white teachers who does not first sign a pledge to teach in the public or private schools of the State of Tennessee, within the next six years after leaving the school, at least as long as he or she has attended said school.**

**Each school established and maintained under the provisions of this section of this Act shall have connected with it one or more practice and observation schools, in which shall be taught at least all the subjects prescribed for the primary schools of the State; and the County Boards of Education of any county, or the District Directors of any school district, or the Board of Education of any incorporated city or town having a special school system under the provisions of its charter may, and the same is hereby empowered to, contract with the State Board of Education to provide for the teaching of children of public-school age in such practice and observation schools, and to pay to the said Normal school all or any portion of the public-school fund belonging to such county, district, or incorporated city or town, as agreed upon by the school authorities of said county, school district, or incorporated city or town, and the State Board of Education, as in the case of consolidated schools under the provisions of the State school law.**

**The principals and instructors in the Normal schools for the education and training of white teachers may be required to assist in conducting Teachers' Institutes in any of the counties of the Grand Division of the State in which said school is located.**

***Provided*, that no principal or instructor may be thus required to assist in institutes more than six weeks in any one year.**

***Provided, further*, that no more than two members of the faculty of any Normal school may be required to be absent from the school for this purpose at the same time.**

***And, provided, further*, that all such service shall be performed without additional pay, except that**

necessary traveling expenses and hotel bills while engaged in this service shall be paid out of the funds of the Normal school.

State Normal  
School  
graduates  
licensed to  
teach.

A certificate of graduation from any one of the said Normal schools shall entitle the holder thereof to teach in any of the public schools of the State without further examination for a period of four years from the date of such certificate. Any such graduate who completes within the said period of four years such additional courses of reading and study as may be prescribed by the State Board of Education and shall pass the required examinations in the same and has proven his ability as a teacher by teaching acceptably not less than fifteen months within this period may, upon application, be granted a permanent license to teach in any of the public elementary schools of the State.

Course of  
study.

The course of study and the rules and regulations shall be the same for all the said Normal schools, with such minor modifications for any school as may be required by local conditions; *provided*, that such courses of study shall include instruction in ordinary English branches, in vocal music, drawing, domestic science, manual training; elements of chemistry, physics, and biology; the elementary principles of agriculture, horticulture, and home economics; and in the history, principles, and methods of education; and, *provided, further*, that the courses of study for the Agricultural and Industrial Normal School for negroes shall be of such practical nature as to fit the conditions and needs of their race.

Management.

The general management and control of all Normal schools established and maintained under the provisions of this section of this Act shall be vested in the State Board of Education; and the said State Board of Education shall have power to employ a bookkeeper, whose duty it shall be to keep the accounts of the Normal-school funds as directed by the Board, and the salary shall be fixed by the Board and paid out of the Normal-school fund herein provided before its apportionment to the several schools and on the warrant of the Comptroller.

Location.

All schools established under the provisions of this section of this Act shall be located by the State Board of Education; and in making such locations, said Board shall take into consideration accessibil-

ity, centralness of position, healthfulness of location, cheapness of living, opportunities for arranging for suitable practice and observation schools, and the value and usefulness of offers of donations of grounds, buildings, money, etc.

In addition to any accepted donations of land, money, or buildings, the income from the fund provided by this Act and this section of this Act for the years one thousand nine hundred and nine and one thousand nine hundred and ten or any portion of the same may be used for buildings and equipment.

One-seventh of all the funds derived in any year from the provisions of this Act and this section of this Act shall be apportioned to the Agricultural and Industrial Normal School established for the education and training of negroes, and the remaining six-sevenths shall be apportioned equally among the schools established and maintained for the education and training of white teachers in the three Grand Divisions of the State; but all moneys received by any one of the Normal schools established and maintained under the provisions of this Act from any other source than from the fund herein provided to be paid out of the gross revenue of the State shall, under the direction of the State Board of Education, be accounted for and paid into the treasury of the State, to be placed to the credit of said school. School for negroes.

It shall be the duty of the Governor of the State to call a meeting of the State Board of Education within sixty days after the passage of this Act for the purpose of taking such steps as may be necessary to carry out the provisions of this section of this Act, looking to the location and establishment of these schools, and to the opening of the same at the earliest date practicable.

All disbursements of money under the provisions of this Section of this Act shall be made on the certificate of the President and Secretary of the State Board of Education, by the Comptroller of the Treasury, in the manner prescribed by law for the disbursement of money to charitable institutions. Disbursement of funds.

SEC. 8. *Be it further enacted*, That for the year one thousand nine hundred and nine and annually thereafter seven per cent of the General Education Fund provided by this Act shall be, and the same is hereby, appropriated to the University of Tennessee, to University of Tennessee—appropriation.

be used for the maintenance and improvement of the same, as the head of the public-school system of the State, as the General Assembly of the State may from time to time direct by resolution or enactment, or as the Board of Trustees of said University may elect.

Experiment  
Stations.

*Provided*, that ten per cent, but not less than ten thousand dollars (\$10,000) annually, of the amount herein apportioned to the University of Tennessee shall be used for the maintenance of the Agricultural and Horticultural Experiment Station and Model Farm, located in West Tennessee, and five per cent, but not less than five thousand dollars annually, for the maintenance of coöperative agricultural experiments in Middle Tennessee.

Traveling  
expenses of  
students.

*Provided, further*, that an amount not exceeding five per cent of the sum apportioned annually to the University may be used to pay the traveling expenses of young men and women of Tennessee attending the University, under such rules and regulations as the Board of Trustees of said University may adopt, but the traveling expenses of no student shall be paid who does not remain through the entire school year, nor shall the expenses of any student be paid more than once each way in any year.

Scholarships.

*Provided, further*, that tuition in the academic, engineering, agricultural, and educational departments of the University shall be free to all qualified white students who are citizens of the State of Tennessee, or whose parents or guardians are citizens of the State of Tennessee; but nothing in this section of this Act shall be construed in such way as to affect or modify the existing laws in regard to State scholarship students of African descent in the Industrial Department of said University.

SEC. 9. *Be it further enacted*, That all schools receiving assistance under the provisions of this Act shall be recognized as essential parts of the system of Public Education of the State of Tennessee, and annually, on or before the first day of August, the proper authorities of each shall submit to the State Superintendent of Public Instruction a report in regard to the work, development, and progress of the school during the year ending with the thirtieth day of June next preceding, and a clear and itemized

Reports to be  
made to State  
Superin-  
tendent.



statement of all receipts and expenditures for the same period.

SEC. 10. *Be it further enacted*, That Chapter 537 of the Acts of 1907 and all laws and all parts of laws in conflict with this Act shall be, and the same are hereby, repealed.

SEC. 11. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 265.

### HOUSE BILL No. 152.

(By Mr. Draper.)

AN ACT to require insurance companies incorporated under the laws of this State to appoint the Insurance Commissioner and his deputy and their successors in office attorneys for the purpose of service of process.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every insurance company incorporated under the laws of this State shall, by a duly executed instrument, constitute and appoint the Insurance Commissioner and his deputy and their successors in office its true and lawful attorneys, upon whom all lawful processes in any action or legal proceeding against it may be served and who may acknowledge any such lawful processes, and every such insurance company shall agree that any lawful process against it which may be served upon its said attorneys or upon which they

may acknowledge service shall be of the same force and validity as if served on the company, and that the authority thereof shall continue in force irrevocably as long as any liability of the company remains outstanding. Any process issued by any court of record in this State and acknowledged by or served upon such Commissioner or his deputy by the proper officer of the county in which said Commissioner or his deputy may have their office shall be deemed a sufficient process on said company, and it is hereby made the duty of the Insurance Commissioner and his deputy immediately after such service of process to forward by registered mail to the company an exact copy of such process. A record of each service of process shall be kept in the office of the Insurance Commissioner, showing the date of service, the name of the company in whose behalf service was acknowledged, name of complainant, date required defendant to answer, and court issuing the process, and the county in which the suit is brought. Such power of attorney shall be filed and kept in the office of the Insurance Commissioner.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 266.

### HOUSE BILL No. 47.

(By Mr. Draper.)

A BILL to be entitled An Act to amend Chapter 489 of the Acts of 1907 so as to prohibit fishing with seines in Roaring River and its tributaries, in Jackson County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 15 of Chapter 489 of the Acts of 1907 be, and the same is hereby, amended so as to read as follows:

“SEC. 15. *Be it further enacted*, That persons may seine for their own use in any stream with seines with meshes not smaller than one and one-fourth inches from June to September 1 in the following counties: Overton, Jackson (except in Roaring River and its tributaries in Jackson County), Warren, Wilson, Franklin, Cannon, Coffee, Hardeman, Fentress, Pickett, Clay, Tipton, Giles, Bedford, Gibson, Dyer, and Lincoln.”

SEC. 2. *Be it further enacted*, That any and all laws and parts of laws in conflict with this Act be, and they are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 267.

### HOUSE BILL No. 569.

(By Mr. Cole.)

AN ACT to regulate the shipment, consigning for shipment, receiving for shipment, removing for shipment, and killing of certain game in Henry County, Tenn.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be unlawful for any person, firm, or corporation in Henry County, Tenn., to ship, or consign, or receive for shipment, or remove for shipment any quail, dead or alive; *provided*, this Act shall not apply to the transportation or distribution of game for propagation, as provided in Section 5, Chapter 515, Acts of 1905.

SEC. 2. *Be it further enacted*, That any person, firm, or corporation in Henry County, Tenn., violating the first section of this Act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than one dollar (\$1) nor more than five dollars (\$5) for each quail so shipped or removed for shipment. The fine or fines so collected shall go to the road fund of Henry County.

SEC. 3. *Be it further enacted*, That to expose or offer for shipment or removal for shipment any quail shall be prima facie evidence of guilt.

SEC. 4. *Be it further enacted*, That it shall not be unlawful to shoot, catch, or kill squirrels in Henry County, Tenn., any time between the first day of June and the first day of March, and it shall at no time be unlawful for the owner of land to shoot, catch, or kill squirrels on his own land for his own use.

SEC. 5. *Be it further enacted*, That it shall be the duty of any Game Warden to see that the provisions of this Act are not violated, the same as other laws for the protection of game.

SEC. 6. *Be it further enacted*, That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 7. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed April 24, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 268.

### HOUSE BILL No. 539.

(By Mr. Rule.)

AN ACT to regulate the working out of public roads in this State in all counties having a population of not less than 19,200 nor more than 19,300 according to the Federal census of 1900 or any subsequent Federal census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That at the July term after the passage of this Act, and at the January term, 1910, and at the January term every two years thereafter, the County Court of each county in this State to which this Act applies shall elect one Road Commissioner for each road district, which shall be coextensive with the civil district, who shall have general supervision over all public roads, bridges, and overseers in his district. The person chosen shall be a citizen and freeholder of the district, skilled and experienced in the business of road making, and shall hold his office for two years and until his successor is elected and qualified. Before entering upon his duties, he shall take an oath before the Clerk of the County Court for the faithful discharge of his duties, and shall give bond for the faithful accounting of all money coming into his hands.

Applies to  
Blount and  
Hardin  
Counties.

Road Commis-  
sioners—  
election,  
qualifica-  
tions, and  
jurisdiction.

Any person living in the civil district in which he is appointed and who is subject to road duty refusing to qualify and accept the office of Road Commissioner shall be guilty of a misdemeanor. All payments for labor, tools, materials, etc., shall be made by order on the County Trustee, and shall be approved by the County Judge or Chairman of the County Court.

For any willful neglect or misconduct he shall be guilty of a misdemeanor, and the grand jury shall have inquisitorial power over all such offenses, and shall inquire into and make presentment thereof.

For incompetency or neglect of duty he shall be removed by said County Court on ten days' written notice. Said Commissioners shall be paid for their services such sum as the County Court may allow, which sum shall not exceed the sum of fifty dollars for any one district.

**Compensation.** **To assign hands.** SEC. 2. *Be it further enacted,* That at the terms above stated the County Court of each county in this State to which this Act applies shall assign hands and define the boundaries of all sections of public roads in their respective counties within which boundaries those subject to road duty shall labor. The court at the same time shall fix the number of days' labor to be required of road hands, which shall not be less than five nor more than eight days in one year. **Purchase of tools.** The District Road Commissioner shall buy necessary tools for road working, to be paid out of the funds belonging to his district. The court at the same time shall fix the price to be allowed for a day's work on the public road with wagon and team or horse and plow.

**Tax levy.** SEC. 3. *Be it further enacted,* That the County Courts of this State to which this Act applies shall levy for each year for road purposes an ad valorem tax on all property of their respective counties outside of incorporated towns, cities, and taxing districts. This levy shall not be less than four nor more than ten cents on the one hundred dollars of taxable property for each day assessed to labor on the public roads, and shall be collected by the County Trustee and held by him as a separate fund to be disbursed upon the warrant of the District Commissioner, approved by the Judge or Chairman of the County Court, and for which he shall have com-

compensation the same as on county and State taxes. All taxes collected on this assessment from a given district shall be spent on the public roads of that district under the supervision of the District Road Commissioner, who shall direct special attention to the main roads or leading thoroughfares of the district. Any and all other road tax which may be collected shall be divided equally between the road districts. The Judge or Chairman of the County Court shall make quarterly reports, showing receipts and disbursements of all road funds, which report shall be examined by the Finance Commissioners of the county, and, when approved, spread on the minutes of the County Court; *provided*, that on all privileges not less than one-fourth of the entire assessment for county purposes shall be set aside by the respective County Courts to which this Act applies for road purposes, and shall be apportioned equally between the several road districts of their respective counties.

SEC. 4. *Be it further enacted*, That District Commissioners shall appoint for a term of one year an Overseer for each section of public road as established by the County Court. Said Overseer shall be a person subject to road duty residing in the district, and shall be excepted from actual road labor. He shall serve as many days as are assessed to road hands by the County Court without compensation, and for each additional day of actual service in superintending the working of roads and warning of road hands he shall receive one dollar per day, not to exceed six dollars in one year. He shall have charge of all tools belonging to his section of road, shall take care of same, and turn them over to his successor when appointed. It shall be a misdemeanor for any Overseer having received notice in writing of his appointment to fail or refuse to serve or fail or refuse to fully and faithfully perform his duties as Road Overseer to keep his section of road in reasonable repair at all times throughout his term of office, and the grand juries shall have inquisitorial power to investigate the conduct of Road Overseers under this Act, and shall make presentment against such Road Overseer for any failure to perform his duty under this Act.

SEC. 5. *Be it further enacted*, That all the male res-

Road duty—  
who liable.

Warning by  
Overseer.

Commutation  
and fines.

Eight hours a  
day's work.

To avoid heavy  
grades.

Mileposts and  
signboards.

idents of the counties to which this Act applies between the age of twenty-one and forty-five shall be subject to road duty, except those who have been exempted by the County Court for physical disability. Road Overseers shall give three days' warning either in person or by written notice left at the residence or usual stopping place of each person subject to road duty, and in case of any hands so notified shall willfully fail or refuse to perform honestly, faithfully, and obedient to the direction of the Overseers as many days' labor on the public road as are assessed against him, he shall be guilty of a misdemeanor. It shall be the duty of the Overseer to report to the Trustee of the county all hands so failing or refusing to work public roads, and it shall be the duty of the District Commissioner to swear out warrants against all such delinquents before some Justice of the Peace in his county, and to have the Road Overseer and other necessary witnesses to convict the delinquent summoned, all suits to be prosecuted in the name of the County Trustee, and all fines and moneys to be paid over to him. All fines collected from delinquents shall be placed to the credit of the road section of which said delinquents were assigned for road duty; *provided*, that any road hand under the provisions of this Act may commute by paying to the Road Commissioner of his district on or before the day appointed for road working one dollar a day. All commutation money shall be used to employ labor upon the road section to which the hand so commuting had been assigned. A day's work, in the meaning of this Act, shall be eight hours of actual labor on the road.

SEC. 6. *Be it further enacted*, That in laying out and working public roads, it shall be the duty of the Road Commissioner to avoid heavy grades and to reduce the same by cutting down sharp points or changing direction of the road. Ditches of sufficient depth to drain the roadbed whenever practical. Roadbeds shall be graded, with a fall of one inch to the foot, from the center of the road to the ditches. In constructing and maintaining first and second-class roads, broken stone or gravel shall be used when obtainable, and no road shall be in running streams where it can be avoided. Durable mileposts and signboards shall be placed and kept up on all



first and second-class roads. When a foot log is necessary, it shall be strong and steady, with a good hand railing. Labor upon the public roads must be performed within the months assigned by the County Court, except repairs in case of necessity, for which the Road Overseer shall arrange with one or more hands, allowing credit on road duty at the next road working. It shall be a misdemeanor for any Overseer to fail to place and keep up durable mileposts and signboards at all principal crossings.

SEC. 7. *Be it further enacted*, That all applications to open, change, close, and restore to the public use any and all public roads in any county to which this Act applies shall be made by written petition to the Road Commissioner of the district in which the road is located; and if said road is intended to be located in more than one district, then the petition shall be made to the Commissioners of all districts interested, and they shall act jointly. The Road Commissioner, within ten days after the application has been filed with him, shall notify the person first named on the petition of the date at which he will be present at the beginning point mentioned in the petition to act on the application. The petitioners shall give five days' written notice of the time and the beginning point to all landowners affected by the proposed change. If landowners affected by the proposed change is a nonresident, then ten days' written notice to his agent or attorney residing in the county shall be a legal notice. The Road Commissioner shall attend at the appointed time and place, and, if the proper notices have been given, shall act upon the application, assess the damages against the county, and report his action to the Judge or Chairman of the County Court, and with his report file the names of the material witnesses. The Judge or Chairman of the County Court shall consider the whole matter, and make such orders opening, changing, or restoring to the public the proposed road as it may deem best for the interest of the public, and shall appropriate a sufficient amount of the county funds to pay all damages to landowners affected by said change. Any interested party may appeal to the next term of Circuit Court; *provided*, he shall perfect his appeal within ten days from the decision of the Judge or Chairman of the

Opening and  
changing  
roads.

County Court. It shall be the duty of all Road Commissioners when it becomes necessary for the interest of the public to change or locate any road in his district by giving the landowner affected by the proposed change notice of the time and beginning point where he will act as above provided, and report his action to the next term of the County Court, and with his report file all notices and the names of all landowners affected thereby. The County Court shall consider the whole matter; and if the change is to the interest of the public, shall so order and assess such damages to the landowner or owners as they may be entitled to, and order same to be paid out of the county funds as heretofore provided. Any person interested in the matter may appeal to the next term of the Circuit Court; *provided*, he effects his appeal within ten days from the decision of the County Court by giving bond as required by law.

County  
prisoners to  
be employed.

SEC. 8. *Be it further enacted*, That all county prisoners subject to labor shall be employed upon the public roads as the County Court may direct, subject to existing laws.

Roads  
classified.

SEC. 9. *Be it further enacted*, That the public roads in county or counties in this State to which this Act applies shall be divided into four classes, the width of each as now fixed by law. Roads of the first class shall not be more than fifty nor less than twenty-four feet wide; roads of the second class, not more than twenty-four nor less than eighteen feet wide; roads of the third class, not more than eighteen nor less than fourteen feet wide; and roads of the fourth class shall be fourteen feet wide. The Road Commissioners shall make, at the end of each year, detailed reports to the County Court, showing the work accomplished by them during the year. The reports shall describe each public road in the district, state whether it is first, second, third, or fourth-class road, and its condition at the time of the report. These annual reports of the Road Commissioners shall be filed in the office of the County Court Clerk.

Commissioners  
to make  
reports.

SEC. 10. *Be it further enacted*, That nothing in this Act shall be construed so as to affect the right of counties to construct, purchase, and maintain bridges, turnpikes, and improve highways, and pay

for same from general and special county funds as now provided by law.

SEC. 11. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act be, and are hereby, repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 269.

### HOUSE BILL No. 525.

(By Messrs. Galloway and Lipscomb.)

AN ACT to be entitled "An Act amending an Act to incorporate Mount Pleasant, in Maury County, and State of Tennessee, and the inhabitants thereof; to define the boundaries of said town; to provide a Board of Mayor and Aldermen and other officers for the control, management, and government of said municipal corporation; to provide for their election; to define their rights, powers, and duties; to vest in said corporation certain properties and charge it with certain indebtedness and liabilities, and for other purposes incident to the control, management, and government of municipal corporations, being Chapter 299 of the Acts of the General Assembly of the State of Tennessee for the year 1907, passed April 4, 1907, and approved April 8, 1907, so as to add a provision to Section 46 of said Act incorporating said town of Mount Pleasant, Tenn., which will empower the Board of Mayor and Aldermen of said corporation by ordinance to levy and collect a special street tax on all male inhabitants of said corporation from eighteen years of age to fifty years of age, without limiting said tax to the amount levied and assessed for poll tax under the laws of the State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 46 of an Act

Special street  
tax

entitled "An Act to incorporate Mount Pleasant, in Maury County, and State of Tennessee, and the inhabitants thereof; to define the boundaries of said town; to provide a Board of Mayor and Aldermen of said town and other officers for the control, management, and government of said municipal corporation; to provide for their election; to define their rights, powers, and duties; to vest in said corporation certain properties and charge it with certain indebtedness and liabilities, and for other purposes incident to the control, management, and government of municipal corporations," being Chapter 299 of the Acts of the General Assembly of the State of Tennessee for the year 1907, passed April 4, 1907, and approved April 8, 1907, be amended by inserting in and adding to said Section 46 at the close of the last word in the last line of said section the following additional provision: "And the said Board of Mayor and Aldermen shall also have the power to levy and collect a special street tax, to be used for street purposes, on all male inhabitants of said corporation from the age of eighteen years to fifty years, but this tax shall not be limited to the amount levied and assessed for poll tax under the general laws of the State."

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 270.

### HOUSE BILL No. 522.

(By Mr. Cheatham.)

**AN ACT** to enable counties having a population of not less than 26,100 nor more than 26,400 inhabitants by the Federal census of 1900, or that may have such population by any subsequent Federal census, to subscribe to the capital stock of any incorporated railroad company, the road to be operated by either steam or electricity, to an amount not exceeding two hundred thousand dollars (\$200,000), and to issue interest-bearing coupon bonds therefor, and to provide for the payment, liquidation, and discharge of the bonds so issued, with the interest thereon.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That any county in Tennessee having a population of not less than 26,100 nor more than 26,400 inhabitants by the Federal census of 1900 or that may have such population by any subsequent Federal census shall have the right, and such counties are hereby authorized, to subscribe to the stock of any incorporated railroad company to be operated by either steam or electricity to an amount not exceeding two hundred thousand dollars (\$200,000), and to issue in payment for the stock representing such subscription interest-bearing coupon bonds to the amount of each [such] stock or [so] subscribed, upon the terms and conditions hereinafter set out.

Applies to  
Lincoln  
County.

Authorizing  
subscription  
to railroad  
stock.

**SEC. 2.** *Be it further enacted,* That no such county shall subscribe to the capital stock of said railroad company unless its line of railroad shall be built to run either through such county or within one mile of the county seat of the county so subscribing to the stock of such railroad company.

**SEC. 3.** *Be it further enacted,* That before any county under the provisions of this Act shall subscribe to the stock of any railroad company, that the president or other authorized officer or agent of such railroad company shall submit to the Chairman or Judge of the County Court of the county an application in writing, in the name of the railroad company, setting forth the proposed termini of its

Application  
and petition.

railroad, the amount of stock desired to be subscribed in aid of such railroad company, the time within which the railroad will be constructed in the county, and the general direction of the railroad in the county, and that such application is made under the authority of this Act. There shall also be presented with said application a petition in writing, to be signed by not less than five hundred voters of the county and a majority of the Justices of the Peace of said County Commission, praying that the question as to whether said stock shall be subscribed to such railroad company and bonds issued in payment therefor be submitted to a vote of the qualified voters of such county.

Submission of  
question to  
vote.

SEC. 4. *Be it further enacted*, That upon the presentation of the application and said petition, as provided in this Act, that the County Judge or Chairman of the County Court of such county shall cause the same to be spread on the minutes of his court, and upon which an order shall be entered by such Judge or Chairman of the County Court on the minutes of his court submitting the proposition for such subscription and issuance of bonds therefor to a vote of the qualified voters of such county, and fixing a date to be not less than thirty days from the date of such order may be made at which such election

Bond required.

shall be held; *provided, however*, before any order for such election shall be made, the railroad company making the proposition shall file with the Clerk of the County Court of the county a bond in the sum of five hundred dollars (\$500), with good and approved security, payable to the State of Tennessee, for the use of the county, conditioned to be void if said railroad company shall in good faith build said road in accordance with its said proposition if such subscriptions shall be voted by the county; otherwise to pay all costs and expenses of holding the election herein provided for.

Notices of  
election.

SEC. 5. *Be it further enacted*, That the election shall be advertised at least thirty days before the date of election by publication for once a week for four or more consecutive weeks in all of the newspapers published in such county, which notices shall specify the time said election is to be held, for what railroad, and the amount of stock proposed to be

subscribed to such railroad company and the amount of bonds proposed to be issued therefor.

SEC. 6. *Be it further enacted*, That said election shall be held by the Election Commissioners of such county or other officers whose duty it may then be to open and hold such election, which election shall be held as other elections are held in the county. Said Election Commissioners or other officers whose duty it may then be shall certify the result of said election in duplicate, one of the certificates of the result of such election to be delivered to the County Judge or Chairman of the County Court. The other shall be delivered to the officials of said railroad company.

Election Commissioners to certify to results.

SEC. 7. *Be it further enacted*, That at such election those voters voting in the precincts or districts where the Australian method of voting under the laws of the State does not apply, who favor the proposition shall have plainly printed on their ballots, "For Subscription and Bonds," and those voters in such districts or voting precincts against the proposition shall have plainly printed on their ballots, "Against Subscription and Bonds." In those districts or precincts where the Australian method of voting under the laws of the State apply, there shall be plainly printed on the ballots, "For Subscription and Bonds," "Against Subscription and Bonds," and the voters voting such ballots shall indicate their will in the method now provided by law.

Method of voting.

SEC. 8. *Be it further enacted*, That it shall be the duty of the County Court to convene on the call of the Chairman or Judge, as the case may be, for the purpose of acting on the return of the Election Commissioners or other officials whose duty it may be to hold said election; and if it shall be made to appear that said election was legally and lawfully held, and that three-fourths of the votes cast at such election were in favor of making the subscription and issuing the bonds therefor, then said County Court shall have full power and authority and shall proceed to make and execute all necessary orders and take such necessary action as may be required to make said subscription and to issue the bonds provided by this Act in payment therefor in accordance with the terms of this Act and the propositions submitted to said election.

County Court to act on election returns.

Another  
election may  
be held.

SEC. 9. *Be it further enacted*, That should any county fail to vote for the subscription and issuance of the bonds in payment therefor at any election held for that purpose, said county may, at any time after sixty days, order another election under this Act if desired by complying with the requirements of this Act in the same manner as the first election was held and as if no previous election had been held.

Subscription to  
be condi-  
tional.

SEC. 10. *Be it further enacted*, That if said county shall vote for making said subscription and the issuance of the bonds in payment therefor, as provided in this Act, that such subscription shall be made conditional, and the bonds to be issued therefor shall be executed and delivered in escrow to any bank or banks in the county or other safe depository the County Court of the county may order, to be delivered to such railroad company only on condition that the said railroad company shall first complete its line of railway in the county and deliver to said county its duly executed certificates of stock to the amount subscribed and otherwise fully comply with the proposition submitted, and to this extent said subscription and issuance of bonds shall be conditional.

Denomina-  
tions, date of  
maturity, and  
interest rate.

SEC. 11. *Be it further enacted*, That the bonds to be issued under this Act shall be issued in denominations of one thousand dollars (\$1,000) each, and shall be due thirty (30) years from date thereof, and shall bear interest at the rate of four (4) per cent per annum, the interest to be paid semiannually from date, representing which interest there shall be attached to said bonds coupons. Said bonds shall be subject to be redeemed by said county any time after the issuance at par upon any interest period upon sixty days' notice, to be published in such county. Said bonds shall all bear the same date, and shall be payable to said railway company to which the subscription may be made or to its order, and shall be negotiable.

Subject to  
redemption  
upon notice.

Tax levy.

SEC. 12. *Be it further enacted*, That before the bonds provided in this Act shall be issued, the County Court shall levy a tax upon the taxable property, privileges, and persons liable by law to taxation within the county as will be sufficient and necessary to meet the maturing interest on the bonds of such county, and provide for the payment of the principal



y maturity, which taxes, when collected, shall be  
sed for no other purpose, and when collected, shall  
e applied first to payment of interest due and bal-  
nce to redemption of outstanding bonds at par, as  
erein provided.

SEC. 13. *Be it further enacted*, That if said rail-  
oad company should fail to complete its said line  
f railway within the county within the time speci-  
ied in the proposition submitted, or should fail to  
otherwise comply with this Act and the proposition  
submitted by said railroad company, that said bonds  
so issued and delivered in escrow shall be immedi-  
ately canceled and delivered up to said county, and  
shall be burned or otherwise destroyed in the pres-  
ence of the County Court assembled.

On failure of  
railroad to  
comply, bond  
to be  
canceled.

SEC. 14. *Be it further enacted*, That this Act take  
effect from and after its passage, the public welfare  
requiring it.

Passed April 24, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 271.

### HOUSE BILL No. 520.

(By Mr. Conger.)

AN ACT to regulate the making and laying out of public roads  
in this State, except in counties of more than 16,475 inhabit-  
ants and less than 16,425 inhabitants as shown by the Federal  
census of 1900 or any other subsequent Federal census.

SECTION 1. *Be it enacted by the General Assembly*  
*of the State of Tennessee*, That at the July term,  
1909, and at the January term, 1910, and at the Jan-  
Applies to  
DeKalb  
County.

Road Commis-  
sioners—  
qualifica-  
tions, term,  
and powers.

Removal for  
cause.

Compensation.

To assign  
hands,  
purchase  
tools, etc.

Overseers.

uary term every two years thereafter the County Court of each county in this State shall elect one Road Commissioner for each road district, which shall be coextensive with the civil districts, who shall have general supervision over all the public roads, bridges, and Overseers in his district, except as hereinafter provided. The person chosen shall be a citizen and a freeholder of the district, skilled in the business of road making, and after January 1, 1910, shall hold his office for two years and until his successor is elected and qualified. Before entering upon his duties, he shall take an oath before the Clerk of the County Court for the faithful discharge of same, and shall give bond for the faithful accounting of all moneys coming into his hands, the bond to be taken by the County Court Clerk and filed in his office. Any person living in the civil district in which he is appointed and who is subject to road duty refusing to qualify and accept the office of Road Commissioner shall be guilty of a misdemeanor. For any willful neglect or misconduct, he shall be guilty of a misdemeanor and punished accordingly, and the grand juries shall have inquisitorial power over all such offenses, and shall inquire into and make presentment thereof, and the Judges shall give same in charge to the grand juries. For incompetency or neglect of duty, he shall be removed by the said County Court on ten days' written notice. Said Commissioners shall be paid for their services such sum as the said County Court may allow, not to exceed twenty-five dollars per annum for any one district.

SEC. 2. *Be it further enacted*, That the District Road Commissioner shall define boundaries of all the roads and assign hands to each section of road. He shall buy such tools, machinery, material, etc., as are necessary for road making. All payments for tools, material, etc., and labor shall be made by the County Trustee on order of the District Road Commissioner, which shall be approved by the County Judge or Chairman of the County Court.

SEC. 3. *Be it further enacted*, That the District Road Commissioners shall appoint for a term of one year an Overseer for each section of road which has been defined by him, except for the first year, or the remainder of 1909, which period shall cover the first

ppointment, and shall furnish him a list of the hands on his section of road. He shall administer an oath to each Overseer for the faithful performance of his duty. Said Overseer shall be a person subject to road duty and residing in the district and in the section of road set apart to him. He shall serve as many days as are assessed to road hands by the County Court without compensation, and for each additional day of actual service in superintending working of roads and warning of hands, he shall receive one dollar per day, not to exceed six days in any one year. He shall have charge of all tools belonging to his section of road, shall take care of same and turn them over to his successor, taking his receipt for same.

It shall be a misdemeanor for any person having received notice of his appointment in writing to fail or refuse to serve or to fully perform his duties as Road Overseer, and to keep his section of road in reasonable repair throughout his term of office, and the grand juries shall have inquisitorial power to investigate the conduct of Road Overseers, and shall make presentment against those who shall fail to perform their duty under this Act, and the Judges shall give same in their charge to grand juries. Penalty.

SEC. 4. *Be it further enacted*, That Overseers shall file a written report with the District Road Commissioner, showing the number of days' work performed by each hand assigned him. Said report shall be signed, sworn to, and filed by the fifteenth day of December of each year. Report of Overseers.

SEC. 5. *Be it further enacted*, That all male residents of the county between the ages of twenty-one and fifty-five years shall be subject to road labor, except those who have been exempted therefrom by the County Court because of physical disability and ministers of the gospel who are actively engaged in the ministry. Road duty—who liable.

Road Overseers shall give three days' warning, either in person or by written notice, left at his residence or usual stopping place of each person subject to road duty. In case any hand so notified shall fail or refuse to perform honestly and obediently to the direction of the Overseer as many days' labor on the public road as there is assessed against him, he shall be guilty of a misdemeanor and pun- Warning by Overseer.

ished accordingly. It shall be the duty of the District Road Commissioner to swear out a warrant against all delinquents before some Justice of the Peace in his county and to have summoned as witnesses Overseer and other necessary parties to convict said delinquent, and the amount of all fines resulting from such prosecution shall be collected by said Commissioner and disbursed as hereinafter provided; *provided*, any road hand, under the provisions of this Act, may commute to the District Commissioner on or before the day of road working the sum of seventy-five cents a day for the number of days fixed for working the public roads by the County Court. All fines and commutation moneys shall be used by the District Commissioner to employ labor upon the road section to which those paying fines and commutation have been assigned.

Commutations  
and fines.

Report of Com-  
missioners.

SEC. 6. *Be it further enacted*, That the District Commissioners shall file a written report with the County Judge or Chairman of the County Court, showing an itemized account of his receipts and disbursements, showing to whom disbursed and for what purpose, and at the same time he shall file with said Judge or Chairman the reports of the Overseers acting under him. Said Commissioner's report shall be sworn to and filed not later than the twenty-third day of December of each year.

Tax levy.

SEC. 7. *Be it further enacted*, That at the July term of the County Court after the passage of this Act and at each January term thereafter the County Court shall levy for road purposes an ad valorem tax on all property of the county. This levy shall not be less than twenty-five cents nor more than fifty cents on each one hundred dollars of taxable property, and shall be collected by the Trustee of the county and held by him as a separate fund, apportioning to each district the amount collected therefrom, to be disbursed upon the warrant of the District Commissioner, approved by the County Judge or Chairman, for which said Trustee shall have compensation out of said fund the same as on State and county taxes.

The County Court shall at the same time fix the number of days' work required of road hands, which shall not be less than six nor more than eight days in any one year.

A day's work, in the meaning of this Act, shall be Eight hours a day's work. eight hours' actual labor. At the same time they shall name the amount the Commissioners are to pay hands for a day's work; also how much for teams, etc.

SEC. 8. *Be it further enacted*, That in laying out and working public roads, it shall be the duty of the Road Commissioner to avoid heavy grades To avoid heavy grades and running streams. and to reduce the same by cutting down sharp points or changing the direction of roads, and no roadbed shall be in a running stream where it can be avoided. Labor upon the public roads must be performed within the months assigned by the County Court, except repairs in case of necessity, for which the Road Overseer shall arrange with one or more hands, allowing them credit on road duty at the next road working or for the ensuing year, or the District Commissioner may have that work done required by emergency Emergency repairs. and pay for same with his order on the Trustee, approved by the County Judge or Chairman.

SEC. 9. *Be it further enacted*, That the public roads of this State shall be divided into four classes—viz.: Roads of the first class shall not be more than fifty nor less than twenty-four feet wide; roads of the second class, not more than twenty-four nor less than eighteen feet wide; roads of the third class, not more than eighteen nor less than fourteen feet wide; and roads of the fourth class shall not exceed eighteen feet wide; and the Commissioner shall classify all roads and sections and parts of roads so as to meet the demands of public travel to the best of advantage, taking into consideration the location or locality.

SEC. 10. *Be it further enacted*, That nothing in this Act shall be construed so as to affect the right of counties to construct, purchase, and maintain bridges, turnpikes, and improve highways and pay for the same from general or special county funds as now provided by law or such as may hereafter be provided.

SEC. 11. *Be it further enacted*, That it shall be a duty of the County Judge, and he is hereby empowered, to investigate any charge of fraud or default of the Overseers and Road Commissioners and report same to the Attorney-General, who shall prosecute the same by presentment or ex officio indictment.

County Road  
Commissioner—  
duties and  
compensa-  
tion.

SEC. 12. *Be it further enacted*, That the County Court at the time of the election or appointment of District Road Commissioners shall elect or appoint a County Road Commissioner, whose duties it shall be to pass upon and aid the work of the District Road Commissioner and supervise the official action of said District Commissioner when ordered to do so by the County Judge or Chairman, who may exercise a sound discretion when it shall appear to him from the application of the District Road Commissioner or otherwise, whose compensation shall not exceed two dollars per day, to be paid out of the county fund on warrant of the County Judge or Chairman.

SEC. 13. *Be it further enacted*, That the road fund shall be applied first and mainly to the main thoroughfares of each district by the District Road Commissioner.

Purchase of  
tools, etc.

SEC. 14. *Be it further enacted*, That the County Court is authorized and empowered to appropriate county funds in the purchase of such road material, machinery, and tools as may appear valuable for the general use and benefit of public roads in the county.

Opening and  
changing  
roads.

SEC. 15. *Be it further enacted*, That all applications to open, change, close, and restore to the public use and all public roads in this State shall be made by written petition to the Road Commissioner of the district in which the road is located; and if said road is intended to be located in more than one district, and the petition shall be made to the Commissioners of all districts interested and they shall act jointly, the Road Commissioner, within ten days after the application has been filed with him, shall notify the person first named on the petition of the date at which he will be present at the beginning point mentioned in the petition to act on the application. The petitioners shall give five days' written notice of the time and the beginning point to all landowners to be affected by the proposed change of any landowner affected by the proposed change. If any landowner affected by the proposed change is a non-resident, then ten days' written notice to his agent or attorney residing in the county shall be a legal notice. The Road Commissioner shall attend at the appointed time and place, and, if the proper notice has been given, shall act upon the application, assess

the damages against the county, and report his action and that of the County Commissioner when called for (or ordered by the County Judge or Chairman) to the Chairman or Judge of the County Court, and with his report file the original petition, notices to landowners, and the names of the material witnesses. The Judge or Chairman of the County Court shall consider the whole matter and make such orders opening, changing, or restoring to the public the proposed road as it may deem best for the interest of the public, and shall appropriate a sufficient amount of the county funds to pay all damages to the landowners affected by said change. Any interested party may appeal to the next term of the Circuit Court; *provided*, he shall perfect his appeal within ten days from the decision of the Judge or Chairman of the County Court. It shall be the duty of all Road Commissioners when it becomes necessary for the interest of the public to change or locate any road in his district by giving the landowner affected by the proposed change notice of the time and the beginning point where he will act as above provided, and report his action and report of the County Commissioner when his action is ordered by the County Judge or Chairman to the next term of the County Court, and with his report file all notices and the names of all landowners affected thereby. The County Court shall consider the whole matter; and if the change is to the interest of the public, shall so order and assess such damages to the landowner or owners as they may be entitled to, and order same to be paid out of the county funds as heretofore provided. Any person interested in the matter may appeal to the next term of the Circuit Court; *provided*, he perfects his appeal within ten days from the decision of the County Court by giving bond as required by law. All costs and expenses incurred by Road Commissioner in discharge of duty shall be taxed to the county.

SEC. 16. *Be it further enacted* That all laws and parts of laws in conflict with this be, and the same are hereby, repealed.

SEC. 17. *Be it further enacted*, That this Act shall only apply to counties that, under the Federal census of 1900, had a population of not less than 16,425 or more than 16,475.

DeKalb  
County.

SEC. 18. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed April 24, 1909.

M. HILLISMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 272.

### HOUSE BILL No. 704.

(By Mr. Mitchell.)

AN ACT to make it unlawful for the owners of horses, mules, donkeys, cattle, sheep, goats, swine, or other live stock, or those having the control or custody of such live stock, to permit them or any of them to run at large in counties having a population of more than 16,400 and less than 16,425 by the Federal census of 1900 or any subsequent Federal census, and to prescribe a remedy for damages committed by such animals when allowed to run at large in violation of this Act; and to provide for that portion of said counties lying on Cumberland Mountain, and valuable principally for pasture or grazing purposes, so that persons desiring to pasture stock on said mountain shall have herders or watchers for said stock. (Warren County.)

Applies to  
Warren  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any person or persons owning or having the custody and control of horses, mules, cattle, sheep, goats, swine, or other live stock to permit such animals to run at large in counties of this State having a population of more than 16,400 and less than 16,425 by the Federal census of 1900 or any subsequent Federal census.*

SEC. 2. *Be it further enacted, That the owner of live stock mentioned and included in Section 1 of this*



Act shall be liable for all damages done to the property of other persons by said live stock when allowed to run at large in said counties in violation of this Act, and the party so damaged shall have a lien on the animals committing the injury to his or her property, which may be enforced by attachment or judgment and execution as in the case of landlord's lien for rent.

SEC. 3. *Be it further enacted*, That any person, his agent, or tenant upon whose land or property such live stock may be found trespassing may have the right to take same up and impound them until the damages and expenses of impounding are paid, or judgment obtained and enforced therefor; *provided, further*, that any persons so impounding live stock shall give notice thereof to the owner or keeper of the same immediately upon impounding the same, when such owner or keeper is known to the party impounding the stock.

SEC. 4. *Be it further enacted*, That the portion of said county or counties lying on Cumberland Mountain and valuable principally for pasture or grazing purposes shall not be subject to the stock law herein enacted; *provided*, any person or persons desiring to pasture said mountain lands shall have at any and all times a herder to watch the cattle, horses, mules, sheep, goats, swine, or other live stock being pastured on said mountain lands to prevent the same from straying into any territories or district subject to this stock law.

SEC. 5. *Be it further enacted*, That nothing in this Act shall be construed as amending or repealing the general railroad fence and stock law.

SEC. 6. *Be it further enacted*, That this Act take

effect from and after the nineteenth day of June  
1909.

Passed April 23, 1909.

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

Approved April 27, 1909.

**MALCOLM B. PATTERSON,**  
*Governor.*

## CHAPTER 273.

### SENATE BILL No. 13.

(By Messrs. Neal and Turner.)

AN ACT to amend Chapter 436 of the Acts of the General Assembly of the State of Tennessee of 1907 entitled "An Act to create Commissioners of Election in every county of the State, to provide for their manner of appointment, term of office, and to define their duties and power," and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 11 of Chapter 436 of the Acts of 1907 be, and the same is hereby, amended by adding after the word "county," in the sixth line of said section, the words: "*Provided*, that it shall be the duty of the said Commissioners of Elections to publish notices of all elections, together with the names of all the Officers, Judges, and Clerks appointed to hold the same, in some newspaper (if there be any printed in the county), not less than ten days preceding such elections and for not less than two issues of each paper, the fees for such publication to be paid for out of the county treasury as other expenses of the county and at the rate provided by law for legal publications.

Publication of  
notices of  
elections  
required.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 274.

### SENATE BILL No. 48.

(By Mr. Neal.)

AN ACT to amend Section 3 of Chapter 295 of the Acts of 1903, passed on the 27th day of March, 1903, and approved on the 1st day of April, 1903, and being entitled An Act to incorporate the town of Sparta, in the county of White, and State of Tennessee, and provide for the election of officers, etc., by striking out the word "one" after the words "term of" in line nineteen, in Section 3, and inserting in lieu thereof the word "two," thereby making the term of office of the said Mayor and Aldermen two years instead of one year.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 3 of Chapter 295 of the Acts of 1903, passed on the twenty-seventh day of March and approved on the first day of April, 1903, be, and the same is hereby, amended by striking out the word "one" after the words "term of" in line nineteen of Section 3 of said Act and inserting in lieu thereof the word "two," thereby making the terms of office of the said Mayor and Aldermen two years instead of one year.

SEC. 2. *Be it further enacted*, That this Act take effect from and after the first Saturday in April, 1909, the public welfare requiring it.

Passed April 24, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

## CHAPTER 275.

### SENATE BILL No. 423.

(By Mr. Askew.)

**AN ACT** to authorize the Mayor and Aldermen of the city of Jackson to issue not exceeding \$25,000 of its interest-bearing coupon bonds for the purpose of erecting and furnishing a city hall, calaboose, and fire stations, and to purchase a site therefor; and to provide for a special election to be held in said city relative to the issuance of said bonds; and to provide for the payment of said bonds, principal and interest, at maturity.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the city of Jackson, a municipality incorporated under and by virtue of an Act of the General Assembly of the State of Tennessee, be, and the said municipality is hereby, authorized and empowered to issue and sell its interest-bearing coupon bonds to an amount not exceeding twenty-five thousand dollars (\$25,000), the said bonds or the proceeds of the sale thereof to be used for the purpose of building and furnishing a new city hall, calaboose, and fire station, and for purchasing a site therefor, which said bonds shall be signed by the Mayor and attested by the Recorder of said city, or the names of the Mayor and Recorder may be lithographed or printed on said bonds. Amount of bonds.

**SEC. 2.** *Be it further enacted,* That said bonds shall be issued in denominations of one hundred dollars or multiples thereof, no single bond to exceed one thousand dollars, and shall run for a period not to exceed twenty (20) years from the date of the issuance thereof, and shall bear a rate of interest not to exceed four and one-half ( $4\frac{1}{2}$ ) per centum per annum as the Mayor and Aldermen of said city in council assembled shall by ordinance or resolution determine, said interest to be paid semiannually and to be evidenced by coupons in the usual form. Denomination and interest.

**SEC. 3.** *Be it further enacted,* That no bonds shall be issued under the authority of this Act until an election is first held in the city of Jackson, Tenn. Election.

of the qualified voters of said city and until a majority of the qualified voters voting in said election shall have by their ballots voted in favor of the issuance of said bonds, which said election shall be called and held three months from the date of the final passage of this Act; and whenever the Mayor and Aldermen of said city shall by ordinance or resolution determine the amount of bonds to be issued under the authority of this Act, and also request the Commissioners of Election for Madison County, Tenn., to call and hold a special election for said purpose, it shall be the duty of said Commissioners of Election within the time aforesaid to call and hold an election in said city in the same manner as other elections are now called and held by law for the purpose of determining the question of the issuance of said bonds; and the voters of said city favoring the issuance of said bonds for the purposes indicated shall vote the ticket or ballot containing the words, "For City Hall Bonds," printed or written thereon, and those opposing the issuance of bonds for said purposes shall vote the ticket or ballot containing the words, "Against City Hall Bonds," printed or written thereon, and the Commissioners of Election for said county shall certify the result of said election to the first regular meeting thereafter of the City Council of said city; and in the event a majority of the voters voting in said election declare by their ballots in favor of the issuance of said bonds, then the Mayor and Aldermen of the city of Jackson shall have the authority to issue the same as hereinbefore provided, not to exceed the sum of twenty-five thousand dollars for the purposes aforesaid, and may pass all ordinances or resolutions necessary or incident thereto; and in the event the result of the first election so called and held shall be adverse to the issuance of the bonds for said purpose, the said Commissioners of Election for said county shall call and hold another election for said purpose, when requested so to do by the Mayor and Aldermen of said city in the manner hereinbefore indicated; *provided, however*, a second election for said purpose shall not be called and held until after the expiration of eight months from the date of said first election; and such second election, if requested and called, shall be held in the same manner and subject to the same

regulations applicable to the first election herein provided for.

SEC. 4. *Be it further enacted*, That the Legislative Council of said city may by ordinance or resolution prescribe the form of said bonds and the manner in which the same or any part thereof shall be sold, and may also provide for the levy and collection on all taxable property and privileges of said city an annual tax, in addition to all other municipal taxes, sufficient for the purpose of paying the interest on said bonds and for providing a sinking fund, which, with its accumulations, shall be sufficient, as nearly as may be estimated, for the redemption of said bonds at maturity.

Tax levy and  
sinking  
fund.

SEC. 5. *Be it further enacted*, That the Sinking Fund Commissioners of said city shall receive from the collector of taxes all the taxes herein provided for, out of which they shall pay the interest on said bonds when due and from time to time invest the balance of the funds in the said bonds at a price not to exceed the par value thereof and the accrued interest, or they may loan the said funds, with the approval of the Mayor and Aldermen, until the said bonds shall mature and become subject to redemption, whereupon the said Commissioners shall use said funds for the purpose of paying and redeeming said bonds; and the said Sinking Fund Commissioners shall give bond and make settlement of their account in such manner and with such persons as the Legislative Council of said city may direct; *provided, however*, that whenever such bonds of the city are purchased or invested in by the Commissioners, they shall cancel and destroy the same in the presence of the Mayor and Board of Aldermen at a regular or special session.

SEC. 6. *Be it further enacted*, That this Act take

effect on and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 276.

### SENATE BILL No. 480.

(By Messrs. Huffaker and Cooper.)

AN ACT to amend an Act entitled "An Act to incorporate the town of Lonsdale, in Knox County, and define the rights, powers, etc., of said town," so as to increase the tax rate from fifty cents (\$0.50) to one and 25-100 dollars (\$1.25).

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 16 of Chapter 305 of the Acts of 1907 of the General Assembly of the State of Tennessee, passed April 8, 1907, and approved April 11, 1907, be amended so as to read as follows:

"SEC. 16. *Be it further enacted*, That said corporation of Lonsdale shall not levy more than one dollar and twenty-five cents on the hundred dollars of its taxable property for corporation purposes, but ten cents of the amount levied by said corporation on each one hundred dollars of its taxable property shall be used exclusively by said municipality for school purposes." Tax levy.

SEC. 2. *Be it further enacted*, That taxes hereby authorized shall be collectible for the fiscal year beginning June 10, 1909, and running to June 10, 1910, and each fiscal year thereafter.

SEC. 3. *Be it further enacted*, That all laws or parts of laws of this State in conflict with this Act are hereby repealed.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 277.

### SENATE BILL No. 120.

(By Messrs. Fort and Holladay.)

A BILL to be entitled An Act to prohibit the maintaining of a bucket shop, office, store, or other place wherein is conducted or permitted the pretended buying or selling of the shares of stock or bonds of any corporation, or petroleum, cotton, grain, provisions, or other produce, either on margins or otherwise, without any intention of receiving or paying for the property so bought or of delivering of the property so sold, and defining a bucket shop; to declare the maintenance of such offices or agencies a misdemeanor; to define what shall constitute prima facie evidence of guilt; to give grand juries inquisitorial powers thereof and to fix the punishment therefor.

Bucket shop  
defined.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a bucket shop, within the meaning of this Act, is defined to be an office, store, or other place wherein the proprietor or keeper thereof, or other person or agent either in his or its own behalf, or as an agent or correspondent of any other person, corporation, association, or co-partnership within or without the State conducts the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale or purchase and sale of any stocks, grains, provisions, or other commodity or personal property wherein both parties thereto or said proprietor or keeper contemplated or intended that the contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according to or upon the basis of the market quotations or price made on any board of trade or exchange upon which the commodities or securities referred to in such contracts, agreements, trades, or transactions are dealt in and without a bona fide transaction on such board of trade or exchange, or wherein both parties or such keeper or proprietor shall contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be deemed closed or terminated when the market quotations of prices made on such board of trade or exchange for the articles or securities named in such contracts,

agreements, trades, or transactions shall reach a certain figure; and also any office, store, or other place where the keeper, person, or agent or proprietor thereof, either in his or its own behalf or as an agent as aforesaid therein makes or offers to make with others contracts, trades, or transactions for the purchase or sale of any such commodity wherein the parties thereto do not contemplate the actual or bona fide receipt or delivery of such property, but do contemplate a settlement thereof based upon differences in the price at which said property is or is claimed to be bought and sold. The said crime shall be complete against any proprietor, person, agent, or keeper thus offering to make any such contracts, trades, or transactions, whether such offer is accepted or not. It is the intention of this Act to prevent, punish, and prohibit within this State the business now engaged in and conducted in places commonly known and designated as "bucket shops," and also to include the practice now commonly known as "bucket shopping" by any person or persons, agents, corporations, associations, or copartnerships who or which ostensibly carry on the business or occupation of commission merchants or brokers in grain, provisions, cotton, coffee, petroleum, stocks, bonds, or other commodities whatsoever. Prohibited.

SEC. 2. *Be it further enacted*, That it shall be unlawful, and the same is hereby made a misdemeanor, for any corporation, association, copartnership, person, or persons, or agent to keep or cause to be kept within this State any bucket shop, and any corporation, person, or persons, or agents, whether acting individually or as a member or as an officer, agent, or employee of any corporation, association, or copartnership, who shall keep, maintain, or assist in the keeping or maintaining of any such bucket shop within this State, shall, upon conviction thereof, be Penalty. fined in a sum not less than one hundred dollars nor more than five hundred dollars [or] by imprisonment in the county jail not exceeding six months, and any person or persons who shall be guilty of a second offense under this statute, in addition to the penalty above prescribed, may, upon conviction, be both fined and imprisoned, in the discretion of the court, and, if a corporation, it shall be liable to forfeiture of all its rights and privileges as such; and the contin-

uance of such establishment after the first conviction shall be deemed a second offense.

SEC. 3. *Be it further enacted*, That any corporation, association, or copartnership, person, or persons, or agent or agents who shall communicate, receive, exhibit, or display in any manner any statement of quotations of the prices of any property mentioned in Section 1 hereof with a view to any transaction or transactions in this Act prohibited shall be deemed an accessory, and, upon conviction thereof, shall be fined and punished the same as the principal, as provided in Section 2 of this Act.

SEC. 4. *Be it further enacted*, That it shall be the duty of every commission merchant, copartnership, association, corporation, person or persons, or agent or broker in this State engaged in the business of buying or selling or buying and selling stocks, bonds, grain, provisions, or other commodities, or personal property for any person, principal, customer, or purchaser, to furnish to any customer or principal for whom such merchant, broker, copartnership, corporation, association, person or persons, or agent or agents has executed any order for the actual purchase or sale of the commodities hereinbefore mentioned, either for immediate or future delivery, a written statement containing names of the parties from whom the property was bought or to whom it shall have been sold, as the case may be; the time when, the place where, and the price at which the same was either bought or sold; and in case such commission merchant, broker, person or persons, or agent or agents, copartnership, corporation, or association shall refuse promptly to furnish the statement upon reasonable demand, the fact of such refusal shall be prima facie evidence that such property was not sold or bought in a legitimate manner, but was bought in violation thereof.

SEC. 5. *Be it further enacted*, That the Circuit and Criminal Judges of the State shall give this Act in charge to the grand juries, and that it shall be the duty of the grand juries to present all persons violating any of the provisions of the Act, and such grand juries are clothed with inquisitorial powers over violators of this Act, and no prosecutor shall be required.

SEC. 6. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 278.

### SENATE BILL No. 115.

(By Messrs. Cooper and Huffaker.)

AN ACT to amend an Act entitled "An Act to incorporate the city of Knoxville, in Knox County, Tenn., and to define the rights, powers, and liabilities of the same," so as to provide that the Board of Mayor and Aldermen of Knoxville may fix the compensation of the City Attorney between certain amounts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 66 of Chapter 207, page 755, of the Acts of 1907 of the General Assembly of the State of Tennessee, be, and the same hereby is, so amended by striking out after the words "City Attorney," and before the words "all said salaries, etc.," the following words, "whose annual salary shall be one thousand dollars," and substituting therein after the words "City Attorney," and before the words "all said salaries shall, etc.," the following, "Whose annual salary shall be fixed by the Board of Mayor and Aldermen of Knoxville in an amount not less than one thousand dollars nor more than twenty-five hundred dollars," the remaining portions of said Section 66 being unaffected by this Act.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 279.

### SENATE BILL No. 170.

(By Mr. Parham.)

**AN ACT** to amend Section 2, Chapter 393, of an Act of the General Assembly of the State of Tennessee passed February 7, 1901, being Senate Bill No. 124, which was an Act to incorporate the town of Mossy Creek, Tenn., in the county of Jefferson, under the corporate name of Jefferson City, Tenn., this Act being an Act to change the eastern boundary of said Jefferson City, and also the western boundary of said Jefferson City, by repealing Chapter 301 of the Acts of 1903, which was an amendment to the original Act of 1901, Section 2, Chapter 393, and making the western boundary of said Jefferson City as it was originally as set out in Section 2, Chapter 393, of the Acts of 1901.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 301, being Senate Bill No. 387 of the Acts of 1903, be, and the same is hereby, repealed, and the western boundary of said Jefferson City, Tenn., is established, fixed, and shall be as in the original Act of incorporation for the town of Jefferson City, as provided for in said original Act, being Section 2, Chapter 393, passed February 7, 1901, being Senate Bill No. 124, and that Section 2, Chapter 393 of the Acts of 1901 be amended so as to change the eastern boundary of said Jefferson City as follows: Beginning in line fourteen, after the words, "Welch's line and corner," and inserting in lieu of the remainder of said Section 2 the following: "Thence in a northerly direction to the lands of Carson-Newman College; thence east with the line of said lands to the Mossy Creek; thence with said creek to the northeast corner of said property; thence with the line of said Carson-Newman lands and the Branner lands and with the line between same to the corporation line; thence northerly with the Branner line to the northeast corner of the property formerly occupied by Mrs. Cochran, now W. B. Seaton; thence a northerly direction a direct line to the northeast corner of J. F. Ross' yard; thence in a westerly direction, taking in Hugh S. Williams' residence, to the beginning."

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

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## CHAPTER 280.

### SENATE BILL No. 315.

(By Mr. Fisher.)

AN ACT to incorporate the town of Gordonsville, in Smith County, Tenn., and conferring and defining the corporate powers thereof.

Boundaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the inhabitants of the town of Gordonsville, in the county of Smith, State of Tennessee, are hereby constituted a body politic and corporate under the name and title, "Town of Gordonsville," in the following stated boundaries—to wit: Beginning at the southwest corner of a tract of land recently purchased by W. T. Askew from J. E. Gold and others, and running thence with the west boundary line to the Lebanon and Trousdale's Ferry Pike; thence crossing said pike in a northern direction and direct line to the Park Spring on A. L. Prewit's land; thence due east to a point on E. M. McDonald's land, due north to the north end of new road running from the Lebanon and Trousdale's Ferry Turnpike to the Gor-



donsville and Lancaster Public Road; thence southwardly with said road to the Lancaster and Gordonsville Public Road; thence south to a point on a line due east from the beginning; thence west to the beginning.

SEC. 2. *Be it further enacted*, That the Mayor and Aldermen of the town of Gordonsville shall have perpetual succession; may sue and be sued, implead and be impleaded in all the courts of law and equity; may purchase, receive, and hold real, personal, and mixed property within said town for municipal purposes; and may purchase, receive, and hold property, both real and personal, to be used for the burial of the dead, erection of waterworks, workhouse, or house of correction, and may sell, lease, or dispose of said property for the benefit of the town of Gordonsville; and to do all other acts in and about the same as natural persons. They shall have and use a common seal, which may be changed at pleasure.

SEC. 3. *Be it further enacted*, That the officers [of the] town, to be chosen and elected by the qualified voters of the town, shall be a Mayor and five Aldermen, who shall constitute the Town Council. Said Mayor, by virtue of his office, shall also exercise and perform the duties of Recorder. Each and all of the said officers shall be citizens and qualified voters of said town. Town Council.

SEC. 4. *Be it further enacted*, That the first Mayor and Aldermen shall be as follows: R. M. McDonald, Mayor; J. S. Campbell, W. T. Askew, F. A. Smith, J. H. Timberlake, T. A. Hogin, Aldermen, who shall qualify as soon as practicable after the passage of this Act, and shall hold their offices until the election and qualification of their successors. The first election for Mayor and Aldermen shall be held by the Town Marshal, aided by two Clerks and three Judges, to be appointed by the Council, all of whom shall be legal voters of said town, on the first Saturday in May, 1910, after giving ten days' notice by posters or by newspaper published in said county, and a new Council shall be elected every two years thereafter. If the Marshal shall be unable to hold the election at the time prescribed, he shall hold it as soon thereafter as possible. For a willful failure to hold said election as prescribed in this Act, he shall forfeit and pay to the corporation the sum of Mayor and Aldermen.

two hundred dollars, to be recovered from him and sureties in an action of debt. In the latter event, the Council shall designate some other person to hold an election. All officers of said town shall hold their offices until their successors are elected or appointed and qualified. The election shall be held in the same manner and under the same regulations as prescribed by law for the election of county officers.

SEC. 5. *Be it further enacted*, That the Mayor and Aldermen, before entering upon their duties, shall each take an oath before some person qualified to administer the same that they will honestly and faithfully discharge the duties of the office without fear, favor, or affection, and to support the Constitution of the United States and the State of Tennessee.

SEC. 6. *Be it further enacted*, That no person shall be eligible to the office of Mayor or Alderman unless he shall have been for one year next preceding his election a bona fide resident of and the owner of a taxable freehold or taxable personal property of the value of five hundred dollars, situated in the said town at the time of his election and qualification as aforesaid. Should he cease to be the owner of said property as aforesaid, or cease to be a bona fide resident of the town, his office shall become vacant.

SEC. 7. *Be it further enacted*, That the legislative powers of the said town shall be exercised by the Town Council, consisting of the Mayor and Aldermen, over whose meetings the Mayor shall preside and cast the deciding vote in case of a tie. A majority of all the Aldermen shall constitute a quorum for the transaction of business.

Vacancies.

In the event the Mayor shall temporarily be absent, the Aldermen shall elect one of their number to preside over the deliberations of the body, in which event one more than a quorum shall be present. In the event of the death of the Mayor, or should his office become vacant by removing from town, or resignation, or impeachment, or some other cause, then the Aldermen shall proceed at the next regular meeting to elect one of their number Mayor to fill out the unexpired term, and the Council shall then elect some qualified person to fill the place vacated by the Alderman, and the Town Council shall

have the power to fill all vacancies on account of death, removal, resignation, or other cause.

**SEC. 8.** *Be it further enacted,* That the Council of the town of Gordonsville shall judge of the election and qualifications of its members. The Town Marshal shall, within three days after holding the election hereinbefore provided for, issue certificates of election to the persons receiving the highest number of votes for the respective offices. The Council shall prescribe rules for the determination of contested elections, from which any party aggrieved shall have the right of appeal to the Circuit Court, and shall prescribe its own rules of proceeding and punishing its own members for malfeasance, misfeasance, or nonfeasance, drunkenness, or any other misconduct in office, and enforce the same. Two-thirds of the remaining members of the Council present and voting to concur may expel a member for malfeasance, misfeasance, or nonfeasance, drunkenness, or other misconduct, which vacancy shall be filled as provided for in other cases. A less number than a majority can adjourn from day to day, and may by ordinance compel the attendance of absent members by fines and penalties.

**SEC. 9.** *Be it further enacted,* That the Council shall, upon its first meeting after the passage of this Act and upon the first meeting after each regular election, as hereinbefore provided, or as soon thereafter as practicable, elect one of their number Secretary and Treasurer. They shall also at said times Town Marshal. elect a Town Marshal and such other officers and agents as they deem necessary, and may provide by ordinance and shall have the power to prescribe the duties of the same, and fix the bonds of all officers of the town.

All the officers of the town shall serve without pay, except the Secretary and Treasurer, who shall receive such compensation as the Council may deem proper.

The Mayor and Recorder shall receive no compensation, except as hereinafter provided. The Council shall fix the salary of the Marshal, which shall not be altered during his term of office. If other officers are appointed or elected under the authority given in this Act, the Council shall have the

full power to provide for and fix the amount of the compensation.

Tax levy.

SEC. 10. *Be it further enacted*, That the Council shall have power by ordinance to assess property within the corporate limits for taxation; to levy and collect taxes for municipal purposes upon all property, polls, and privileges not exempt from taxation under the Constitution of the State; to create, define, and grant licenses for the exercise of privileges, *provided* that no license shall be granted for the sale of intoxicating liquors; to prescribe regulations for the good order, peace, health, safety, comfort, convenience, and good morals of the town; to provide waterworks to supply the town and inhabitants with water; to open, establish, extend, repair, alter, and abolish streets, alleys, lanes, sidewalks, pavements, and other necessary ways; to provide for lighting alleys, streets, and other ways and buildings within the corporate limits; to establish and regulate markets and market houses; to rent, lease, or erect all necessary public buildings for the use of the town; to provide, regulate, and maintain burial grounds for the dead; to establish parks, and inclose, improve, and beautify and preserve them; to prohibit, suppress, and abate nuisances, public and private; to provide for the prevention of fire by the organization of fire companies, providing engines and necessary attachments, and for their operation, and by regulating or prohibiting the erection of wooden buildings at places where they would endanger other property; to regulate the storage of gunpowder and other explosives and noisome or offensive substances; to condemn and remove any unsafe or insecure buildings so located as to be dangerous to the public or other property; to regulate or prevent the running at large of live animals on the streets of the town; to condemn and take all land or property for corporate uses or purposes; for restraining gambling houses, houses of ill fame, and bawdy houses; to impose, collect, and dispose of fines, forfeitures, and penalties imposed for the violation of the laws and ordinances of the town; to build and maintain a safe calaboose or lockup for the safe-keeping of prisoners before trial for violation of the town laws and ordinances; to regulate and prohibit the use of firearms; to provide for planting and protecting

Streets.

shade trees along the streets, alleys, and ways on public ground or within the town limits; to lease or erect and maintain a workhouse or house of correction, and to regulate the same; to prohibit and punish the unnecessary abuse of and cruelty to animals; to regulate or prevent the use of fireworks, shooting fire-crackers, Roman candles, guns, or pistols within the town; to require all male inhabitants of the town between the ages of eighteen and fifty years to work on the streets, alleys, sidewalks, pavements, and other public ways and grounds not exceeding ten days in one year; to appoint a Commissioner and Overseer of the same, and provide for the working and keeping up of all streets, alleys, sidewalks, pavements, and other ways, parks, and public grounds within the corporate limits, *provided* that the town shall not be required to repair or work on any turn-pike road on which tolls are charged by the owners or proprietors; to provide for public schools within the town, and fix the grade thereof; to provide for the arrest and confinement until trial of riotous and disorderly persons; to prohibit disorderly, noisy, or boisterous assemblages of persons within the town limits; to prohibit and punish vagrancy; to define offenses against the corporation and citizens thereof, and provide for the punishment thereof; and to pass all lawful ordinances and by-laws that may be necessary to carry out the full intent and purpose of this Act.

SEC. 11. *Be it further enacted*, That the town of Gordonsville is hereby created a special school district, and that the public or common-school district of said town shall be managed and controlled by three persons, who shall be bona fide residents and citizens of said town, whose term of office shall be as hereinafter provided, and shall be elected by the Town Council of said town on their first regular meeting after the passage of this Act, or as soon thereafter as practicable, as follows: One Director shall be elected for a period of one year, one for two years, and one for three years, and every year thereafter one Director shall be elected for a period of three years. In the event a vacancy occurs in the said Board of Directors, the same shall be filled by the Town Council for the unexpired term in the same manner as other vacancies are filled under the pro-

Workhouse.

Special school district.

visions of this Act. The said Directors shall meet and organize under the general laws of the State. Said Directors shall have the power and perform all the duties now required and allowed by the laws of the State in reference to public schools, and be under the supervision of the County and State Superintendent as other School Directors for districts under the general laws of the State. Said Board of Directors shall have the power, authority, and shall perform the same duties as devolve upon the District Directors under the general laws of the State. They shall make reports as often as required. The general laws of the State in regard to public or common schools shall apply to the town of Gordonsville as far as the same are not modified herein. The Clerk of the County Court of Smith County will report to the County Trustee the amount realized by him for school purposes from merchants and privileges within the limits of said town. Such amount shall be passed or be placed to the credit of said Directors by the Trustee, as in the case of polls and property tax paid by the Trustee for school purposes above provided. The said Board of School Directors shall be a body corporate in like manner as District School Directors are under the general laws of the State; *provided*, that said school district shall be and remain coextensive with the corporate limits of the said town, but no larger.

Special road district.

SEC. 12. *Be it further enacted*, That the town of Gordonsville is hereby created a separate special road district, to be worked under orders of the Council, and the County Court of Smith County will not levy any road tax on any of the personal or real estate within the corporate limits of said town; *provided, however*, said Council shall have the power to levy a road tax as hereinbefore provided.

Meetings of Council.

SEC. 13. *Be it further enacted*, That the Council shall fix their regular times and places of meeting, and they shall meet not less than once in each month.

SEC. 14. *Be it further enacted*, That it shall be the duty of the Mayor to carefully examine all bills passed before affixing his signature; and should any one not meet with his approval, he shall at the next regular meeting of the Council return the same, with his objections in writing, and no law so vetoed shall go into effect unless the same be again passed by a

two-thirds majority of the Council. No bill shall become a law unless the same shall have passed three separate readings on three separate days by a majority vote of the Council, unless by unanimous consent of the Council earlier action is deemed necessary, and unless the same shall have been signed by the Mayor, unless he fails to veto the same by the next regular meeting, and in case of such failure, the same shall become a law without his signature. The Mayor may make temporary appointments to fill temporary vacancies, subject to the approval of the Council at its next regular meeting, and he shall likewise have the power to make special deputies, to increase temporarily the police force, and he shall call special meetings of the Council when in his judgment the good of the town requires it. He shall say to the Council in writing the purpose of such meeting, which, together with the action of the Council, shall be spread on the minutes of the regular minute book. He shall take care that all the ordinances be duly respected and observed, and perform such other services as by ordinance of the Council may be required of him. He shall have power to bid in property for the town at all tax and judicial sales when the town is a party.

SEC. 15. *Be it further enacted*, That the Mayor shall try all offenses created by this Act or any lawful ordinance of said town, and impose fines and penalties and enforce the collection and payment of the same, and he shall likewise have power to commit to the town prison or calaboose until tried all disorderly or riotous persons within the town and commit the same to the town prison or workhouse until such fines and costs are paid or worked out, and for all such services the Mayor shall be entitled to, and shall receive; the same fee and costs and [that] Justices of the Peace are entitled to for like services, which shall be taxed up in the bill of costs with the same.

SEC. 16. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

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## CHAPTER 281.

### SENATE BILL No. 397.

(By Mr. Neal.)

AN ACT to incorporate the town of Spencer, in the county of Van Buren, and State of Tennessee, and to provide for the election of officers thereof and prescribe their duties; to define the corporate limits and prescribe the powers and duties of said municipal corporation; to provide for the raising of revenue for the support of said incorporated town, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the town of Spencer, in the county of Van Buren, and State of Tennessee, and the inhabitants thereof be, and are hereby, constituted a body politic and corporate under and by the name and style of the "Town of Spencer," and under that name they may have perpetual succession; may sue and be sued; grant, receive, purchase and hold real estate, mixed and personal property, and dispose of the same for the use and benefit of said town of Spencer; and may have and use a common seal, and alter the same at pleasure.*

SEC. 2. *Be it further enacted, That the town of Spencer, located in the Seventh Civil District of Van Buren County, Tenn., be, and the same is hereby, bounded as follows: Beginning at a stone on the*



North side of the Spencer and McMinnville Road, the southwest corner of a tract of land C. M. Denny purchased from Henderson Curtis; running thence northwardly to the northwest corner of the present farm of E. T. Passons; thence on northwardly, including within this boundary the residence of E. T. Passons and O. P. Passons, to the northwest corner of the old academy lot tract; thence east with the line of said tract and on to the corner of the J. K. Simmons tract; thence north with the west boundary line of the said Simmons tract to his northwest corner; thence east to the Spencer and Sparta Road; thence northwardly with said road to W. N. Billingsley's and S. E. Simmons' line; thence with said line to said Billingsley's southwest corner; thence east about 120 poles to a rock, the northwest corner of T. C. Drake's land; thence south about 60 poles to the center of the Millstone Branch, J. D. Baker's southeast corner; thence south 45 degrees east about 100 poles to the center of the road leading by the residence of I. S. Shockley; thence south about 80 poles to the center of the Spencer and Pikeville Road; thence westwardly with the center of said road to J. Logan Molloy's east boundary line; thence south 4 poles to a rock, said Molloy's southwest corner, and on with the south boundary line of the Burt College tract of land about 100 poles to a stone on W. S. Galloway's east boundary line; thence south with said Galloway's line about 12 poles to his southeast corner; thence west to the center of the Spencer and Chattanooga Road; thence westwardly to the southeast corner of the Henderson Curtis tract, known as the "Savage tract;" thence west with said Curtis line to a stone, his southwest corner; thence northwardly to the beginning.

Boundaries.

SEC. 3. *Be it further enacted*, That the officers of the town of Spencer, to be chosen by the qualified voters thereof, shall be a Mayor and five Aldermen, who shall constitute the Town Council, known as the Board of Mayor and Aldermen," a majority of whom shall constitute a quorum for the transaction of business. No person shall be eligible to the office of Mayor or Aldermen unless he is at least twenty-five years old and a qualified voter under the laws of the State of Tennessee, and has been a bona fide resident of the corporation for at least one year.

Town Council.

Said Mayor and Aldermen shall be chosen here after by the qualified voters of the town of Spencer and shall hold their offices until their successors are elected and qualified.

Mayor and Aldermen.

SEC. 4. *Be it further enacted*, That the first officers of the town of Spencer shall consist of the following parties—to wit: C. M. Clark, Mayor; D. L. Has-ton, W. A. Graham, L. T. Hutcheson, R. L. Gillentine, and J. M. Gamble, Aldermen; and that they hold their offices as above set out and be vested with all the powers of regularly elected officers until the first Saturday in May, 1910, and until their successors are elected and qualified. In case any vacancy in the office of Mayor or Alderman should at any time occur, said vacancy shall be filled by the remaining members of the Board.

Election.

SEC. 5. *Be it further enacted*, That on the first Saturday in May, 1910, and every two years thereafter the Town Marshal shall open the polls and hold an election in the town of Spencer for the purpose of electing a Mayor and five Aldermen; but ten days' notice previous to holding said election the Town Marshal shall notify the voters of said town of said election by a notice in some newspaper published in said town, if there be one. If not, then by notice posted on the front of the courthouse door, giving time, place, and purpose of holding said election. Said Town Marshal shall appoint three Judges and two Clerks to assist in holding said election, all of whom shall take an oath before some Justice of the Peace to impartially and faithfully perform the duties of their respective positions. In all other respects said election shall be held in accordance with the election laws then in force in this State; *provided, however*, that any person owning real estate within said corporate limits shall be entitled to vote in said election. The term of office of Mayor and Aldermen is thus fixed at two years and until their successors are elected and qualified. Said Mayor and Aldermen shall serve without compensation.

Meetings.

SEC. 6. *Be it further enacted*, That the said Mayor and said Aldermen, under the style of the "Town Council," shall constitute the legislative body of said corporation; they shall meet once every two months, and oftener if they deem it necessary, and shall have power to pass all ordinances and resolutions and to

make all orders that are necessary to carry out the objects of this charter; and it will not be necessary or an ordinance to pass more than one reading, but before an ordinance becomes effective, it shall on or before the next meeting after its passage be signed and approved by the Mayor; but the Mayor shall have veto power.

In case the Mayor shall refuse to approve an ordinance, he shall return same to the Council at its next meeting, with his reasons stated in writing for his refusal, and said ordinance shall not be binding unless the Council, by the affirmative vote of three members, shall pass the same, the Mayor's veto notwithstanding.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Mayor to preside at all meetings of the Town Council, to vote on all questions coming before the Council in case of a tie vote. He shall have power to call special meetings of the Town Council when he deems such meetings necessary. He has power to fill all vacancies of any office until the same be filled by the Town Council. He shall see that all town ordinances and resolutions are enforced, observed, and respected, and, in case of emergency, he shall have the power to appoint special policemen, and the Town Council may by ordinance prescribe penalties for a failure to obey such a call. In case of absence, sickness, or other disability of the Mayor, the Recorder shall be, for the time being, Mayor pro tempore, with the same powers and duties as given the Mayor.

Duties of  
Mayor.

SEC. 8. *Be it further enacted*, That said Mayor and said Aldermen shall, before assuming the duties of their offices, take an oath before some person authorized to administer oaths to impartially and faithfully perform the duties of their respective offices. The other officers of said corporation to be elected by the Town Council will also take an oath before the Mayor to faithfully and impartially discharge the duties of their respective offices, which oath shall be taken before they assume the duties of their respective offices, all of these various oaths to be filed with the Recorder. In addition to said oaths, the Recorder and Marshal will execute such bonds as may be required of them by the Town Council for the purpose

of securing such sums of money as may come into their hands as such officials.

Recorder and  
Marshal.

SEC. 9. *Be it further enacted*, That the Town Council, at its first meeting in every year, or as soon thereafter as possible, elect from the bona fide citizens of the town of Spencer a Recorder, who shall also act as Treasurer, a Marshal, and such other officers as they may deem necessary, who shall hold their offices for one year, or until their successors are elected and qualified.

In the absences of the Recorder, the town Justice of the Peace, to be elected by the qualified voters of said town, shall have all the powers and duties of said Recorder. He will be liable on his official bond as Justice of the Peace for any money belonging to said town of Spencer that may come into his hands.

Compensation  
of Recorder.

Said town Justice of the Peace shall be elected according to the State election laws now in force, and future elections shall be held under the State election laws then in force. The compensation of the Recorder shall consist of his fees, which shall be the same as now allowed Clerks, Justices of the Peace, and Trustees for similar services, and such additional compensation as the Board of Aldermen may unanimously agree upon.

Compensation  
of Marshal.

The fees of the Town Marshal shall be the same as now allowed by law to Sheriffs, Constables, and Trustees, and he shall receive such additional compensation as the Board of Aldermen may unanimously agree upon.

Duties and  
powers of  
Recorder.

SEC. 10. *Be it further enacted*, That it shall be the duty of the Recorder to try all cases for the violation of any and all ordinances of the corporation and all offenses against the peace and dignity of the town, and he is hereby vested with all the powers of a Justice of the Peace in the trial of criminal cases; *provided*, that in case of absence, sickness, or other disability of the Recorder, the town Justice may try such cases as heretofore set out. In case any accused party makes oath that he cannot get justice, in his opinion, before said Recorder, a change of venue may be had from the Recorder to the Mayor, who is hereby empowered to try and decide said case under the ordinances of the town. In case an appeal is taken from a fine imposed by the Recorder or Mayor, the party appealing shall be required to enter into

bond securing the fine and costs to said corporation, conditioned to successfully prosecute said appeal.

SEC. 11. *Be it further enacted*, That the Recorder of said corporation shall keep an accurate and correct minute of all the proceedings of the Town Council, issue privilege license, and collect taxes on same; he shall collect all ad valorem and special taxes levied by the Town Council; he shall keep a proper ledger of the same; he shall make out the town tax book and turn the same over to the Town Marshal for collection, taking his receipt therefor. In making out the tax book for said corporation, the said Recorder will take the same from the tax duplicate in the County Court Clerk's office, giving a description of the property and the same amount set out in said tax duplicate; *provided, however*, that if any property on said tax duplicate lies partly within the corporate limits of the town of Spencer and partly without the corporate limits, he shall so assess the property as to give a fair valuation of the property within the corporation. In case said tax duplicate does not give a sufficient description of the property to identify same, the Recorder can refer to the Assessor's book for description, which must be sufficiently given to identify the property. Any party having property partly within the corporation and partly without same that objects to the valuation placed on same by the Recorder may appeal to the Town Council to correct the same. Said Town Council is hereby given the power to change and correct the list of taxes thus made out by the Recorder. If any property—real, mixed, or personal—within said corporate limits has escaped assessment, it shall be the duty of said Recorder to assess the same. For assessing said property, the said Recorder will be entitled to receive one-half the compensation now allowed by law to Assessors for similar work. When this assessment is completed, said Recorder shall make oath that it is a true and correct copy of the assessment as shown in the County Court Clerk's office of all the property within the corporate limits of the town of Spencer, except as changed, where property lies partly without the corporate limits of said town, and except as to property that has escaped taxation; and that in these instances he has assessed same to the best of his skill

To make out  
tax books.

and ability. The said Recorder shall also have charge of all the records and property of said corporation, and shall take special care of the same. He shall perform such other duties that the Town Council may by ordinance impose upon him not in conflict with this chapter or the statute laws of this State.

SEC. 12. *Be it further enacted*, That the said Recorder, acting as Treasurer for said corporation, shall receive from the Town Marshal all money that may come into his hands and receipt him for same. He shall keep a proper account of all funds of whatever nature that may come into his hands, and for such purposes he shall keep such book or books as the Town Council may direct. He shall pay out money in his hands only upon the order of the Town Council, approved by the Mayor. When required by the Town Council or the Mayor, he shall furnish a full and explicit report of all moneys received and the disbursement of the same, which report shall be subject to the inspection of any taxpayer in the corporate limits.

Duties of  
Marshal.

SEC. 13. *Be it further enacted*, That the Marshal of the town shall thoroughly acquaint himself with the by-laws and ordinances of the town. He shall rigidly enforce the same, for which purpose full police power is hereby given him, which he may promptly exercise without warrant in hand, and when necessary, he shall have the right and power to call to his assistance any member of the male citizens of said town he may deem necessary to assist him in making arrests, and the Town Council may impose a penalty upon any one refusing to obey such a call. He shall collect all taxes, except privilege taxes, and the ad valorem tax on merchants and others subject to such tax by the laws of the State of Tennessee, and shall perform such other duties that may be imposed upon him by the Town Council. He shall have charge of the town prison, and shall be entitled to not exceeding 40 cents per day for boarding prisoners. When a prisoner is committed to him, he shall take charge of him and keep him safely until he is tried, and if fined and the judgment shall so direct, shall work said prisoner upon the streets of the town or otherwise work him; *provided, however*, said Marshal shall receive additional com-

compensation of not exceeding \$1 per day for such time as he works said prisoner.

SEC. 14. *Be it further enacted*, That the basis upon which property shall be taxed and the taxes collected by the town of Spencer shall be the same as provided by the general laws of the State. The report of the Recorder of the assessment made by him as set out in Section 11 of this Act, which assessment is intended to include all persons and all property within said corporate limits subject to State and county taxes, including poll tax, shall constitute the assessment for said town. As soon as said assessment is completed, which shall not be until after the County Board of Equalizers have passed upon the same, said Recorder shall submit to the Town Council a certified statement of the total amount of the assessment, including telephone property, together with a certified statement of the revenue derived by the town from privilege taxes, merchant and ad valorem taxes, and fines from the preceding fiscal year.

Taxation.

Upon this basis the Town Council shall proceed by ordinance to make the proper levy to meet the expenses of the town for the current fiscal year, and all special assessments that are necessary to be made.

SEC. 15. *Be it further enacted*, That on the first Monday in July of each year—that is, the year succeeding the assessment—all uncollected taxes and all unpaid taxes shall, on the said first Monday in July, become delinquent taxes; and the Marshal shall make out a list of such delinquent taxes and turn same over to the Recorder, certified to by him upon oath that the taxes so turned over are unpaid and delinquent.

Delinquent list.

Said taxes shall then become delinquent, and shall have the same force and effect of a judgment of a court of record, and the Recorder shall have the power to issue distress warrants in the name of the town of Spencer to the Marshal to enforce the collection of the taxes against the persons owing the same; and such distress warrant or warrants shall be executed by the Town Marshal of the town of Spencer by a levy upon and a sale of the goods and chattels of said delinquent taxpayers under the same provisions as prescribed by law for the issuance of distress warrants for the collection of State, county, and school taxes.

Distress warrants.

Lien for taxes.

SEC. 16. *Be it further enacted*, That all municipal taxes upon real estate in the town of Spencer are hereby declared to be a lien on said property from and after January 10 of the year for which the same was assessed, subject alone to the lien of the State of Tennessee and county of Van Buren for taxes legally assessed thereon. No assessment shall be invalid because the size and dimensions of any tract or lot or parcel of land has not been precisely stated in the assessment, or because the valuation or amount of taxes is not correctly given, or because assessed to unknown owners, or because assessed to wrong party. No assessment shall be invalid on account of any objections or informality merely technical, but all such assessments shall be good and valid.

Delinquent tax sales.

SEC. 17. *Be it further enacted*, That the lien for delinquent taxes remaining unpaid as above provided shall be enforced against the property and the owners thereof in the way and manner provided in Chapter 6 of the Acts of the Legislature of 1897, the same having been passed April 1, 1897, and approved April 29, 1897, entitled "An Act to enable incorporated towns and cities in Tennessee to sue in their corporate name in the Chancery Courts for municipal taxes assessed on real value; to enforce the lien for same by sale of the land assessed; and in such suit to make or may make the owners of as many as twenty-five distinct parcels of land defendants;" *provided*, that no real property on which delinquent taxes are due shall be proceeded against as above set out until a distress warrant has been issued against the owner of said realty and returned by the Marshal nulla bona.

SEC. 18. *Be it further enacted*, That the Town Council shall have the right to elect any officers other than those herein named, but such officers shall serve without compensation unless otherwise ordered by the full and unanimous vote of the Town Council. All officers elected by the said Town Council shall be twenty-one years of age, and shall have been a citizen of Spencer, Tenn., for one year. Said Town Council shall have the power by ordinance or resolution within the corporate limits of said town:

Tax levy.

1. To levy and collect taxes upon all real, personal,



and mixed property, polls, and privileges taxable by the laws of the State of Tennessee.

2. To appropriate money and to provide for the payment of the debts and liabilities of the town.

3. To license, tax, and regulate every thing, person, business, and corporation licensed, taxed, and regulated by the laws of the State of Tennessee. Privileges.

4. To open, establish, extend, widen, alter, abolish, and discontinue any street or alley, and to grade, pave, and otherwise improve the same; and to establish, maintain, and keep in repair culverts, sewers, gutters, or to alter, change, abolish, and discontinue the use of the same. Streets.

5. To regulate and provide for the construction and repairing of sidewalks and foot pavements.

6. To regulate, prohibit, or suppress all disorderly houses, bawdy houses, or ill fame.

7. To prohibit gambling houses and saloons and the illicit sale of liquor within the corporate limits of the town of Spencer.

8. To regulate and prohibit the giving, selling, procuring for or delivering to any student of any school within the corporate limits of the town of Spencer any intoxicating liquor; to regulate and prohibit the carrying of intoxicating liquor upon the grounds of any institution of learning within said corporate limits.

9. To make regulations to prevent the introduction and spread of contagious diseases within the town, and to make quarantine laws for this purpose, and to enforce the obedience of same within one mile of the corporate limits, and to provide a place to confine parties infected with contagious diseases within the same. To prevent spread of disease.

10. To make all necessary regulations and laws to secure the health, safety, peace, and conform of the inhabitants of the town.

11. To provide for the erection of all buildings that may be necessary for the use of the town.

12. To provide for the prevention and extinguishment of fire, organize, regulate, and establish fire companies; to regulate the erection of any wooden building or buildings regarded as dangerous in causing fire. Fires.

13. To regulate the police of the town; to impose fines, forfeitures, and penalties for the breach of any Police.

ordinance, and to provide for the recovery of the same.

14. To provide for the arrest and confinement until trial of all disorderly, riotous, or drunken persons by day or by night.

15. To arrest all persons who lounge around the streets without any visible means of support.

16. To regulate or prevent the discharging of fire-arms, firecrackers, or any other explosives within the corporate limits, and to regulate and prohibit the sale of firecrackers, Roman candles, skyrockets, and other similar explosives within the corporate limits of said town, and provide penalties for violations.

Workhouse.

17. To commit any person or persons who fail or refuse to pay or secure any fine or cost upon him for violation of any ordinance of the town to jail or workhouse until said cost and fine is paid or secured. Any person so committed shall work for the town within or without said jail at such labor as his or her strength will permit, not exceeding ten hours per day. For such labor said prisoner shall be entitled to a credit of 40 cents per day until the whole of the fine and cost is paid, when they shall be discharged.

18. To remove and prevent all filth in the town and all encroachments into and obstructions upon all streets, alleys, lanes, sidewalks, and pavements, and to provide for the cleaning of the same.

19. To prevent and punish by pecuniary penalty or imprisonment all breaches of the peace, noise, disturbances, or disorderly assemblance in any place in the town.

20. To suppress all immoral exhibitions within the corporate limits, and to regulate all amusements within said limits.

21. To prevent and remove any nuisances.

SEC. 19. *Be it further enacted*, That said Mayor and Aldermen shall have such further and additional power as may be necessary to carry out the purposes of this Act and promote the good of the town, and may collect and expend money for such purposes; *provided, however*, that no debt shall be contracted by said Mayor and Aldermen to exceed five per cent of the taxable property within said corporate limits without first submitting the question to a

of the citizens of said town, and shall be ratified by them by a two-thirds vote of the qualified voters of said town of Spencer. This Act shall not interfere with State and county road and school laws.

SEC. 20. *Be it further enacted*, That all laws or parts of laws contrary to or inconsistent with the provisions of this Act be, and the same are hereby, repealed.

SEC. 21. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 282.

### SENATE BILL No. 403.

(By Mr. Parham.)

BILL to be entitled "An Act authorizing Blount County, Tenn., to issue bonds for the building of turnpikes, the improvement of public roads, and the construction of bridges over the creeks, rivers, and such other places as are necessary, and to levy tax and create sinking fund for the payment of same, for the appointment and payment of commissioners and regulation of same, and to provide for the punishment of violations of the provisions of this Act."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Blount, through its Quarterly County Court, at any regular or called session, three-fifths (3-5) of the Justices being present and voting in the affirmative therefor, is hereby authorized and empowered to issue bonds of the said county in the amount of three hundred Amount of  
bonds.

thousand dollars (\$300,000) or any part thereof for the purpose of constructing turnpikes, improving the public roads in said county hereinafter named, and building bridges where ordered.

Denominations  
and interest.

SEC. 2. *Be it further enacted*, That any bonds to be issued under the provisions of this Act shall be in the denominations of, the first twenty thousand dollars (\$20,000) shall be of denominations of one hundred dollars (\$100) each, the remainder in denominations of five hundred dollars (\$500) and one thousand dollars (\$1,000) each, as shall be determined by Commissioners, and shall bear interest, payable semiannually, on the first day of January and July of each year, at the rate of 5 per cent per annum, payable at the office of the Chase National Bank in New York, N. Y., or at office of the Trustee of Blount County, Tenn., at the option of bondholders.

SEC. 3. *be it further enacted*, That each of said bonds shall have attached to it the coupons for the semiannual interest upon the same for each of the years the said bonds are to run, showing the amount of each semiannual installment of interest on said bonds, and when same shall fall due, which coupons shall be signed in the same manner as the bonds, except the official seal of the County Court Clerk need not be affixed to said coupons, the said coupons, however, to show on their face the number and amount of bonds to which they are attached. Said bonds shall be signed by the Judge or Chairman of the County Court of Blount County, Tenn., and countersigned by the Clerk of the County Court of said county, with his official seal affixed to each of same, and shall be numbered in the order of issuance, beginning with "1." The bonds and coupons herein provided for, when due and paid off by the Trustee or County Tax Collector, shall be by said Trustee or Tax Collector canceled by stamping or writing on the face thereof the date received and paid, and held by him as a voucher for the payment in his settlement with the Judge or the Chairman of the County Court, who will preserve said bonds and coupons as a part of the records of his office.

Maturity.

SEC. 4. *Be it further enacted*, That said bonds shall

issued in the following installments, maturing as follows:

Twenty thousand dollars (\$20,000) due in ten (10) years.

Twenty thousand dollars (\$20,000) due in fifteen (15) years.

Fifty thousand dollars (\$50,000) due in twenty (20) years.

Fifty thousand dollars (\$50,000) due in twenty-five (25) years.

Fifty thousand dollars (\$50,000) due in thirty (30) years.

Fifty thousand dollars (\$50,000) due in thirty-five (35) years.

Sixty thousand dollars (\$60,000) due in forty (40) years.

Each series to date from date of issue.

SEC. 5. *Be it further enacted*, That it shall be the duty of the said Quarterly County Court to levy a tax annually on all of the taxable property of said county sufficient for the purpose of paying semian-

Tax levy and sinking fund.

ual interest on the said bonds and also for the purpose of creating a sinking fund for the redemption of said bonds as they become due and redeemable, provided by this Act. Said tax shall be levied on all taxable property in the county, including all taxable property in any municipal corporation within said county, but no poll tax shall ever be assessed

collected for the purpose of paying either the principal or interest on said bonds. The Judge or Chairman of the County Court shall keep in a well-bound book in his office a record of the number and nomination of all the bonds issued under this Act, and the aggregate sum thereof, which at all times shall be subject to inspection by the court and public.

Record of bonds.

SEC. 6. *Be it further enacted*, That the County Trustee shall collect and account for the tax herein authorized in the same manner as he is required to collect and account for the county taxes, and said County Court shall require said Trustee or Tax Collector to give an additional bond for the faithful performance of his duty in collecting and accounting for such taxes raised for the purpose of payment of interest on and creating of sinking fund for redemption of same, the penalty of such additional bond to be fixed by the Quarterly County Court.

Notice to bond-  
holders.

SEC. 7. *Be it further enacted*, That the **Judge or Chairman** of the County Court of said county shall within the last sixty days immediately preceding the maturity of said bonds give notice to the holder or holders of same through a newspaper published in said county for a term of thirty days, stating in said notice the date said bonds fall due, and requesting that the same be presented for payment and redemption on the said date of maturity; and if said bonds be not presented for payment at maturity, then the interest thereon shall cease at that date; and when said bonds or any of them are paid and returned, as herein set out, the Trustee or Tax Collector, upon settlement with Judge or Chairman of the County Court, shall have credit thereon on account of said bond tax. Said thirty days' notice may be given at any time after maturity in the same manner and with the same force and effect as above provided.

Bonds not to be  
sold for less  
than par  
value.

SEC. 8. *Be it further enacted*, That said bonds shall not be sold by the Commissioners hereinafter provided for less than their par value, with the accrued interest thereon, and no commission shall be allowed any one, directly or indirectly, for the sale of said bonds.

Commissioners  
named.

SEC. 9. *Be it further enacted*, That for the purpose of carrying out the provisions of this Act, W. A. Catlett, Frank P. Walker, and W. L. Russell are hereby appointed and constituted the Commissioners to sell said bonds and to contract said public roads in said county.

Vacancies.

SEC. 10. *Be it further enacted*, That the legal name and designation of said Commissioners shall be "Blount County Pike Commissioners." Should any vacancy occur in said commission by death, resignation, or removal, the Quarterly County Court shall fill said vacancy; *provided*, that said commission shall be always composed of three men as before described. Said Commissioners shall be citizens and freeholders of Blount County distinguished for their integrity, intelligence, and financial responsibility. Said Commissioners are authorized to employ bookkeepers, engineers, and other expert service to survey, inspect, change, and classify said public roads as hereinafter set out and indicated, and make charts and maps showing the changes and improvements on or near the lines of roads hereinafter to be indi-

Powers and  
duties of  
Commissioners.

ted. Said improvements to include grading, filling, metaling, ditching, widening, bridging, draining, paving, and other necessary improvements in constructing said roads; *provided*, no road so improved shall be less than twenty feet wide between ditches, or less than twelve inches higher in the center than each outer edge near ditch, nor shall ditch be less than four inches lower than a bottom level across said road; and said Commissioners shall make a record of the probable or approximate costs of making such improvements; that specifications shall then be made for the work to be done in the improvement of said roads and building of such turnpikes

said county hereinafter made and set out, who shall then advertise for said work as a whole or in parts or in sections, and give the same to the lowest responsible bidders, the Commissioners reserving the right to reject all bids; and said Commissioners may employ engineers or other necessary aid to supervise or superintend the work. All work shall be done subject to the inspection of the Commissioners; engineers employed by them.

To advertise  
for bids.

The work done according to specifications laid down shall be approved and accepted by the Commissioners, and the work not so done shall be disapproved and rejected by the Commissioners. The said Commissioners shall make written contracts with all contractors employed by them, and shall require solvent bonds in sufficient penalty of all contractors, conditioned for the faithful performance of their said contracts.

Contracts.

SEC. 11. *Be it further enacted*, That said Commissioners shall not expend any of the funds derived from the sale of said bonds for the payment of rights of way or releases or for any damage growing out of said road building in any way or manner.

SEC. 12. *Be it further enacted*, That said Commissioners and surveying force shall have the right to enter and survey on any lands in the county, the county thereby being subject to none but actual damages. Said Commissioners are authorized to institute suits in the name of the county to condemn rights of way for roads and approaches to bridges under Section 1325. et seq., of the Code of Tennessee, the damages for property taken to be paid by the county out of its general funds. Said Commis-

Power of con-  
demnation.

Damages—how  
paid.

sioners shall have the right to settle by agreement with the landowner the amount of damage for rights of way when practicable, and report said amount to the County Court for payment.

Removal for  
cause.

SEC. 13. *Be it further enacted*, That said County Pike Commissioners shall hold their office until the completion of the work and improvements contemplated by this Act; *provided*, that the Quarterly Court of said county may at any time remove from office any or all of said Commissioners upon its being made to appear to the court that any Commissioner or Commissioners have failed or refused or neglected to properly carry out any of the provisions of this Act, due notice of such proceeding having been given to the Commissioner in question.

Organization  
and  
meetings.

SEC. 14. *Be it further enacted*, That said Commissioners shall organize as a body and elect such other officers as they deem necessary. Said Commissioners shall appoint regular times and places of meeting, and may meet at any time and place in the county on the call of the Chairman, and the action of said Commissioners may be determined by a majority vote.

Reports.

SEC. 15. *Be it further enacted*, That said Commissioners shall make report to the County Court at each quarterly term, showing the progress of improvements in detail, and at the completion of the work shall make final report to said court, and shall furnish such information concerning said work as the County Court may call for at any time.

Compensation  
of Commis-  
sioners.

SEC. 16. *Be it further enacted*, That the compensation of said County Pike Commissioners shall be not less than four dollars (\$4) per day and actual expenses for the one acting as Chairman, but not to exceed twelve hundred dollars (\$1,200) per year; the other two to have not less than three dollars (\$3) per day, each, and his expenses, and not to exceed three hundred dollars (\$300), each, per year. They are to meet not less than twice each month to examine work, audit accounts, and consult about the work.

Proceeds of  
issue.

SEC. 17. *Be it further enacted*, That said bonds when issued by the Chairman and Clerk of the County Court as herein provided shall be turned over to the said County Pike Commission, they executing their receipt therefor; but before said bonds are de-



livered to said commission, to be disposed of as herein set out, said commission shall execute the bond herein required, and upon sale of said bonds by the Commissioners said commission shall deliver said bonds to the purchaser, and shall take charge of the proceeds thereof under the bond hereinafter required, and said fund shall remain in their custody and shall be subject to their orders. Said fund shall be placed by said commission in such bank or banks as they may see fit and upon such terms and conditions as they may deem proper, but not all to be with any one bank. Said commission shall make a report in detail to the County Court of the sale of said bonds and the disposition of the proceeds thereof, in addition to the other reports herein required.

Report of sale  
of bonds.

SEC. 18. *Be it further enacted*, That none of the Commissioners shall be interested to any extent in any contract under which any of said turnpikes or roads shall be built or improved. Any Commissioners violating any section of this Act shall be subjected to a fine of not less than \$1,000 and imprisonment, at the discretion of the court, and shall be removed by the County Court.

Penalty.

SEC. 19. *Be it further enacted*, That the Commissioners shall pay contractors each thirty days upon estimates made by the engineers or assistants, reserving ten (10) per cent of each estimate until the entire contract is completed.

Contractors—  
how paid.

SEC. 20. *Be it further enacted*, That said Commissioners, when said bonds are delivered to them, shall sell the same, either at public or private sale, either as a whole or in such amounts as they may deem advisable, and shall deliver them to the purchasers on payment to them of the purchase price, and the funds realized from the sale of said bonds shall be disbursed by the said commission for the purpose for which said bonds are issued.

Sale of bonds  
and disbursement  
of  
proceeds.

SEC. 21. *Be it further enacted*, That said Commissioners may contract with the road builders or contractors to use the convicts or workhouse labor of the county on said roads, if they can do so advantageously to the county; and in such cases the provisions of the contracts as to the safe-keeping, care, and comfort of such convicts shall be the same as is now provided by law.

Convict labor.

SEC. 22. *Be it further enacted*, That the County

Pike Commission provided for in this Act, before entering upon the discharge of their duties as such Commissioners, shall take and subscribe the following oath:

Oath of Commissioners.

"I, . . . . ., do solemnly swear that I will faithfully discharge the duties imposed upon me as County Pike Commissioner without fear, favor, or partiality, to the best of my ability."

The foregoing oath may be taken and subscribed before any officer (authorized) to administer oaths, and the same shall be filed for record in the County Court Clerk's office of said county.

Bond of Commissioners.

In addition to taking the foregoing oath, said Commissioners shall enter into bond in such penalty as the County Court may fix, dependent upon the amount of money that shall go into their hands from the sale of said bonds. Said court may increase the penalty of said bond whenever deemed it necessary, and the penalty of said bond shall at no time be less than the amount of money in their hands, with two or more solvent securities for each Commissioner, who shall in no case be the same person or persons, or in some solvent trust or bond company, the county paying the cost therefor, conditioned for the faithful performance of their duties prescribed in this Act. Said bond shall be approved by the Chairman of Blount County Court.

Sinking Fund Commission.

SEC. 23. *Be it further enacted*, That whatever of the funds raised by the levy of the taxes herein provided for remain in the hands of the Trustee after payment of interest on said bonds as herein provided shall constitute a sinking fund for the retirement of said bond when matured or redeemable, and said funds shall be loaned by a Sinking Fund Commission, of which the County Trustee shall be ex officio a member and Chairman, and the remaining two members elected by the County Court for a term of three years. Said fund shall be loaned upon such security as the said Sinking Fund Commissioners may direct at the legal rate of interest when possible, interest payable semiannually. Said Commissioners shall be required to give bond in such penalty and with such securities as the County Court may require.

SEC. 24. *Be it further enacted*, That Commissioners shall build and construct in the manner and form

efore named and indicated the following-named public roads of said county—to wit:

1. The road leading from Maryville toward the mountains, commonly called "Cades' Cove" or 'Crooked Creek Road," to a distance of five miles, and on road toward Block House from an intersection with the Cades' Cove Road a distance of two miles. Route of roads.

2. The road leading from Maryville by David Jones', called the "Tuckaleechee Cove Road," to low water or a bridge at Snyder's Ford.

3. On the Sevierville Road, a distance of eight miles from the courthouse in Maryville, and from his road over the Ellijay or New Tuckaleechee Road to the river at Davis' Ford.

4. On Knoxville Road to the Knox County line.

5. On Wright's Ferry Road a distance of six miles.

6. On Middle Settlements Road from near end of Hannum Lane or Rocky Ridge to an intersection with the Louisville-Middle Settlements-Miser Station-Friendsville Road.

7. On Louisville Road from low water at ferry in Louisville by Middle Settlements and Miser Station Roads to the depot at railroad in Friendsville.

8. On Friendsville-Cloyd's Creek Road, eight miles, to Big Springs.

9. On Niles' Ferry Road to six miles from Maryville.

10. On Montvale Road to Black Sulphur Spring, or Six-Mile Creek.

11. On Wellsville or Chilhowee Road, from a connection near six milepost on Niles' Ferry Road, to a distance five miles from beginning.

12. On Morgantown Road, from Friendsville Road, near old Seceder Church, a distance of five miles.

13. On Wildwood Road from intersection with Knoxville Road to the ford near old Kennedy Mill.

14. For erecting and placing a bridge across Little River below mouth of Pistol Creek and above Rockford ford, and necessary bridge across Pistol Creek to get to this bridge.

15. For a bridge across Little River at Davis' Ford or Snyder's Ford as County Court or the Pike Commissioners shall determine.

16. For a bridge across Little River on Sevierville Road.

17. For a bridge across Little River at or near ford below railway station, "Riverside;" *provided*, road is changed so as to be all the way on east side of Little River to below Walland, this road to be not less than fourteen feet in width and not more than three thousand dollars of the funds herein provided for to be used toward constructing said road. Said County Pike Commission, in laying out the roads herein provided for, shall not be confined to existing routes, but shall have power to make such changes as they may see fit, taking into consideration the cost and practicability of routes and costs of rights of way. The foregoing roads which run from Maryville, beginning at or near the courthouse; *provided*, corporate authorities aid and grant free use and right so to do.

Bridges to be  
built first.

SEC. 25. *Be it further enacted*, That said County Pike Commission, before expending any of the funds herein provided for, shall first construct the bridges at the Davis or Snyder Ford as determined by the court or Commissioners above provided, and for Knoxville Road below the mouth of Pistol Creek across Little River, and construct necessary roads, bridges, and approaches thereto, and said Commissioners are hereby empowered and directed to let the contract for the building of said bridges and superintend the construction thereof. Said contract shall be let to the lowest responsible bidder, said commission reserving the right to reject all bids.

SEC. 26. *Be it further enacted*, That the roads may be graded, or graded and macadamized, at the discretion of the Commissioners, but in all cases must be well crowned, well drained, ditched, tilled, and made in as perfect a manner as possible, no macadam to be less than twelve feet in width.

Quarterly  
Court to vote  
upon this  
Act.

SEC. 27. *Be it further enacted*, That the Quarterly County Court of Blount County shall proceed to vote upon this Act at its July term, 1909, and at any term thereafter whenever one hundred citizens who are worth one thousand dollars each shall petition them so to do; and if carried in the affirmative, shall proceed to carry out all the provisions of this Act.

Additional  
bonds may be  
issued.

SEC. 28. *Be it further enacted*, That the County Court, after the expenditure of the fund hereinbefore

provided, shall have the right and power to make a further issuance of bonds to the amount of \$100,000 for the purpose (1) of finishing the roads herein specified, if any remain unfinished, and (2) of building and improving such other roads as they may designate. Said bonds shall be issued and sold and the proceeds thereof handled and disbursed in the same manner and under the same regulations and restrictions as hereinbefore provided for the first issues. The County Court shall determine the amount, term, denomination, and rate of interest of said bonds; *provided*, that the rate of interest shall not exceed five per cent, and said bonds shall not be sold for less than par.

SEC. 29. *Be it further enacted*, That the Commissioners hereinbefore provided for shall be vested with all the authority and discharge all the duties now by law conferred or imposed upon the present Pike Commissioners of said Blount County.

SEC. 30. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 283.

### SENATE BILL No. 443.

(By Mr. Cox.)

AN ACT to amend Chapter 294 of the Acts of the General Assembly of the State of Tennessee of 1901, passed April 10, 1901, and approved April 19, 1901, being an Act to incorporate the town of Bluff City, in Sullivan County, Tenn., etc., so as to provide that the Board of Mayor and Aldermen shall have power to regulate or prohibit butchering or slaughterhouses within the town, and to prohibit or regulate the blocking or obstructing of streets where they cross railroads.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 294 of the Acts of the General Assembly of the State of Tennessee of 1901, passed April 10, 1901, and approved April 19, 1901, being an Act to incorporate the town of Bluff City, in Sullivan County, Tenn., etc., be, and the same is hereby, amended so as to add to the end of Section 11 of said Act the following words: "To regulate or prohibit butchering or keeping slaughterhouses within the corporate limits of the town, and to regulate or prohibit blocking or obstructing streets where they cross railroads by permitting cars, engines, or other obstructions to be on said crossings.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 284.

### SENATE BILL No. 501.

(By Mr. McRee.)

**AN ACT** to prohibit hogs from running at large in counties having a population of not less than 7,360 nor more than 7,380 according to the Federal census of 1900, to provide penalties for the violation of same; to create liens on stock trespassing in violation of same; and to provide methods for the enforcement of same, and penalties against officers for failure to do their duties.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any owner or keeper of hogs to permit same to be or run at large in counties of this State having a population of not less than 7,360 nor more than 7,380 by the Federal census of 1900 or which may have such population by any subsequent Federal census. Applies to Lake County.

**SEC. 2.** *Be it further enacted,* That any person who willfully, knowingly, or negligently violating Section 1 of this Act shall be deemed guilty of a misdemeanor, and, on conviction, shall pay a fine of not less than five dollars nor more than twenty-five dollars for each offense. Each day said hogs are permitted to run at large shall constitute a separate offense.

**SEC. 3.** *Be it further enacted,* That there shall be a lien on all such hogs running at large in violation of this Act for the fine and costs which accrue in case of conviction under this Act, and also in favor of the person damaged for all damage done to crops, property, or premises by such hogs running at large, said lien to run for sixty days from date of damage.

**SEC. 4.** *Be it further enacted,* That the lien provided for in Section 3 of this Act may be enforced by attachment or judgment and execution, either to be levied on such stock in whosoever possession it may be found.

**SEC. 5.** *Be it further enacted,* That it shall be the duties of the Sheriffs, Deputy Sheriffs, and Constables of said county or counties where this Act applies to take up and impound all hogs found or known to be running at large in violation of this Act, Google

whether with the knowledge of the owner or not; and such officers shall proceed to this duty without delay upon knowledge of the fact, and especially upon being notified of the fact by any landowner or tenant upon whose premises said hogs may be trespassing.

SEC. 6. *Be it further enacted*, That any such officer taking up and impounding hogs under Section 5 of this Act shall keep and safely and properly care for and feed and water said hogs so impounded until called for by the owner; or if not called for by the owner within forty-eight hours after having been taken up, the officer shall advertise said hogs by written poster at the post office nearest where the said hogs are impounded for ten days, and sell same at the place where impounded at public outcry for cash to the highest bidder; *provided*, that if at or before the time of actual sale such hogs shall be claimed by the owner and identified to the satisfaction of the officer, and the expenses paid, such hogs shall be delivered up to the owner and not sold.

SEC. 7. *Be it further enacted*, That the officers proceeding under Section 6 of this Act shall be entitled to receive out of the proceeds of the sale or before delivering the hogs up twenty-five (25) cents for each head for each day of twenty-four hours so kept by him.

SEC. 8. *Be it further enacted*, That the remainder of the funds arising from the sale of said hogs shall be paid over to the owner of same, should any such owner satisfy the officer having said hogs impounded that he is the owner; and in case no one claims said hogs, the officer shall pay the remainder of proceeds of sale of same over to the Trustee of said counties for the use of the public-school fund, and such officer making such sales shall make his settlement with the Chairman or Judge of the County Courts on the first day of each quarterly term of the County Court of said county, and any officer having such funds in his hands and failing to make such settlements shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

SEC. 9. *Be it further enacted*, That any owner or proprietor or tenant of land on which hogs may be found trespassing in violation of this Act may cause such hogs to be taken up and held until they can be



turned over to the proper officer authorized by this Act to impound same.

SEC. 10. *Be it further enacted*, That this Act shall take effect on the first day of July, 1909, the public welfare requiring it.

Passed April 24, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 285.

### SENATE BILL No. 90.

(By Mr. Sells.)

AN ACT to amend Section 2 of Chapter 4, Acts of 1891, and entitled "An Act to establish a Chancery Court and a Law Court at Johnson City, in the county of Washington, and to fix the time for holding them," so as to create the office of Clerk and Master of the Chancery Court at Johnson City, in said county of Washington, and provide for the appointment of a Clerk and Master.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 2 of Chapter 4 of the Acts of 1891, an Act entitled "An Act to establish a Chancery Court and a Law Court at Johnson City, in the county of Washington, and to fix the time for holding them," be so amended as to read as follows: That the office of Clerk and Master is hereby established for said Chancery Court at Johnson City, and that the Chancellor of the First Chancery Division of this State shall, immediately after the passage of this Act, appoint a Clerk and Master for said court, who shall perform all the duties, have all rights and powers, and be subject to all the duties and liabilities now by law imposed upon such officers, and shall have all the fees and emoluments as are now allowed to such officers, and before entering upon the duties of said office, he shall execute the several bonds now required by law for Clerk and Master to execute, and shall take the oath prescribed by law, and shall keep his office in the town of Johnson City. Said Clerk and Master shall have been a citizen and resident of either the Eighth, Ninth, Tenth, or Eleventh Civil Districts of Washington County for a period of six months prior to his appointment.

SEC. 2. *Be it further enacted*, That this Act take

fect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

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## CHAPTER 286.

### SENATE BILL No. 502.

(By Mr. Mansfield.)

AN ACT to amend the charter of the city of Cleveland, Tenn., so as to change the corporate limits of said city; so as to create certain officers; to define the duties and fix the compensation thereof; to fix the compensation of officers now existing; to authorize the Board of Mayor and Aldermen of said city to require property owners to build sidewalks; and to change the limit of taxation in said municipality; and to abolish certain officers of said municipality; and to authorize said city, through its Board of Mayor and Aldermen, to issue and sell its interest-bearing bonds in an amount not to exceed \$35,000 for the purpose of building a sewer system, after the same has been approved by a vote of the legal voters of said municipality.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the city of Cleveland, in Bradley County, Tenn., the same being Chapter 307 of the Acts of 1903, be amended so as to read as follows:

“SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Cleveland, in the county of Bradley, and the inhabitants thereof are hereby constituted and declared a body politic and corporate by the name and style of the ‘City of Cleveland,’ and by that name shall have perpetual succession; shall sue and be sued, plead and be impleaded in all the courts of law and equity,

General powers.

**Boundaries.**

and in all actions whatsoever; may purchase, receive, and hold real, personal, and mixed property within said town, and sell, lease, and dispose of the same for the benefit of said town; and may purchase, receive, and hold real, personal, and mixed property beyond the limits of said town, to be used for the burial of the dead and for the establishment of a hospital, poorhouse, workhouse, or house of correction, or for the purpose of erecting, owning, and operating works for supplying the town with water and lights; and may have and use a common seal, and change it at pleasure. The corporate limits of said town shall be as follows: Beginning at a point indicated by a post marked 'C,' on the section line thirty feet northward from the northwest corner of the peach orchard owned by the Southern Packing Company, and which was formerly owned by P. H. Walker; and running thence eastward with the land lines of R. Thomas and others in a straight line to a post marked 'C,' which is located on the section line near the Big Spring; and thence northward with said section line to a post marked 'C,' on the north side of a thirty-foot street in the Cleveland Land and Improvement Company's land; thence south 67 degrees east with the north line of said street 72 rods to a post marked 'C,' thence north 23 degrees east (crossing the Bates Pike at the west line of lots owned by J. M. London, which point is indicated by a post marked 'C') to the intersection of the Benton Pike and a road which leads to the Ayers place, said point being marked with a post marked 'C' near Calvin Hardwick's home; and thence with the west side of the Benton Pike to where it intersects Pine Street; thence westward with the south side of Pine Street to a post marked 'C,' on the section line; thence northward with the section line to Graig-miles Avenue or Fourteenth Street; thence westward with the south line of said street to a post marked 'C,' near the northeast corner of land owned by E. G. Delaney; thence northward with the west line of Fillaner's land to Twelfth Street; thence westward with the south side of said Twelfth Street to a post marked 'C,' on the line of John Cowden's property on the west side of the Charleston Pike; thence northward to the northeast corner of Cowden's lot; thence westward with the north line of

its owned by Cowden, Easterly, Humphreys, and  
 thers to the section line on the Franklin farm, at a  
 point marked by a post marked 'C;' thence south-  
 ward with the section line to the old McCroskey Mill  
 Road; thence westward with the south side of said  
 Mill Road to the west bank of Mouse Creek; thence  
 up the west bank of said creek at high-water mark  
 to Town Creek or First Creek; thence with the west  
 bank of said creek to where it crosses the section line  
 at Rucker's lot, which point is indicated by a post  
 marked 'C;' and thence south with the section line  
 to the beginning point.

SEC. 2. *Be it further enacted*, That the said town Boundaries of wards.  
 of Cleveland shall be divided into three (3) wards,  
 as follows:

First Ward—The First Ward in said city shall be  
 constituted and composed of all the territory in said  
 corporate limits west of Ocoee Street.

Second Ward—The Second Ward shall be consti-  
 tuted and composed of all the territory in said cor-  
 porate limits lying between Ocoee Street and the  
 Southern Railway Company.

Third Ward—The Third Ward shall be consti-  
 tuted and composed of all the territory in said cor-  
 porate limits lying on the east side of the Southern  
 Railway Company.

SEC. 3. *Be it further enacted*, That the legislative Board of Mayor and Aldermen.  
 power of said town shall be exercised by the Board  
 of Mayor and Aldermen elected under the provisions  
 of this Act, over whose meetings the Mayor shall  
 preside as presiding officer. A majority of all the  
 Aldermen shall constitute a quorum for the trans-  
 action of business. In the event the Mayor should  
 be temporarily absent, the Board shall elect one of  
 their number to preside over that meeting, in which  
 event one more than a quorum shall be present. Vacancies.

In the event of the death of the Mayor, or should his  
 office become vacant by the removal from the town,  
 resignation, or impeachment, then the Board shall  
 proceed, at the first regular meeting thereafter, to  
 elect one of their number as Mayor to fill the unex-  
 pired term, and then elect some person eligible from  
 the same ward. The Alderman elected as Mayor  
 is to fill his unexpired term. The Board shall be  
 composed of a Mayor, who shall be elected by the  
 qualified voters of the town, and six Aldermen, two

Recorder and  
Marshal—  
term.

of whom shall be elected from each of the wards of the town. The said Mayor and Aldermen shall be elected and hold their respective offices for the term of two years. There shall also be elected by the qualified voters of the town of Cleveland Recorder and Marshal, who shall hold their respective offices for a term of two years, and shall be elected at the same time as the Mayor and Aldermen provided for in this Act.

Qualifications  
of Mayor.

No person shall be eligible to the office of Mayor unless a citizen of Tennessee, who has resided in the town at least one year immediately preceding his election, and a freeholder and twenty-five years of age; and should either of the above qualifications cease, then the office becomes vacant.

Election and  
installation  
of officers.

SEC. 4. *Be it further enacted*, That the next election for Mayor, Marshal, and Aldermen shall be held on the first Tuesday in October, 1910, and that an election shall be held every two years thereafter on said day for the election of said officers and Aldermen, and that the Mayor, Recorder, Marshal, and Aldermen elected as provided shall be inducted into office on the second Monday in October following said election; and at the first meeting the Mayor and Aldermen shall elect a Custodian of the School Fund and a City Attorney, who shall hold office for two years.

Old officials.

SEC. 5. *Be it further enacted*, That the Board of Mayor and Aldermen and other officials of the said city of Cleveland, under this charter, shall be the same officials as are now serving in said offices, and they shall serve until the next regular election, or until their successors are elected and qualified.

Oath of officers.

SEC. 6. *Be it further enacted*, That the Mayor and Aldermen, Marshal, and Recorder, before entering upon their duties, shall take an oath that they will honestly and faithfully discharge the duties of their offices without partiality, favor, or affection.

SEC. 7. *Be it further enacted*, That the Board in session shall judge of the qualification, election, and return of the members of the Board, and shall prescribe rules for the determination of contested elections. A less number than a quorum can adjourn from day to day, and, under the provisions of ordinances, may compel the attendance of absent members by fines and penalties. For all investigation

of charges against its member or other officers or such matters pertaining to the affairs of the town, the Mayor shall, at the orders of the Board, issue subpoenas and compulsory process to compel the attendance of witnesses and the production of books and papers. The Board of Mayor and Aldermen shall hold its meetings at such times as it may determine, not more than one stated meeting per month, but said stated meetings may be continued from time to time during the month by the Mayor declaring the Board in recess until a specified time, unless said continued session of the stated meeting be objected to by a majority of the Aldermen present at said stated meeting.

May serve process.

Meetings.

SEC. 8. *Be it further enacted*, That the Mayor of said city of Cleveland shall receive as compensation for his services the sum of one hundred and fifty dollars (\$150) per annum, and each of the Aldermen of said city of Cleveland shall receive as compensation for his services the sum of five dollars (\$5) for each regular or stated monthly meeting of the Board of Mayor and Aldermen which he attends; *provided, however*, that no Alderman shall receive pay for more than one meeting in any one month, nor shall he receive pay unless he be actually present at said stated or regular meeting.

Compensation of Mayor and Aldermen.

SEC. 9. *Be it further enacted*, That all elections for city officers shall be held by the Marshal or other officials authorized by law, and all persons within the limits of said corporation who would be qualified to vote for members of the Legislature of the State, and all male persons twenty-one years of age, who have owned real estate within the limits of said corporation for ninety days next preceding an election, the value of their interest in which is not less than \$100 according to the city assessment, shall be entitled to vote in said election.

Elections and qualifications of electors.

SEC. 10. *Be it further enacted*, That the corporation aforesaid shall have full power and authority to make and pass such laws and by-laws and ordinances as are necessary to prevent nuisances; to provide for licensing and regulating auctions; taxing, regulating, or restraining theatrical or public amusements and shows or exhibitions within the bounds of the corporation; for restraining or prohibiting gambling; to establish night or day watches and patrols;

May abate nuisances.

to ascertain when necessary the boundary and location of streets, alleys, and lanes; to have and to keep in repair the streets and alleys, and to pass all laws necessary for the same; to erect and regulate markets; to regulate drayage and personal privilege; to provide for the establishment and regulation of a fire company or fire companies, the sweeping of chimneys, and the safe condition of flues; to impose and appropriate fines, penalties, and forfeitures for breach of by-laws or ordinances; to build and keep in good condition a lockup or calaboose for the safe-keeping of persons who violate any of said by-laws or ordinances of said corporation; to levy and collect taxes on privileges, real, and personal, for the purpose of carrying the necessary measures into operation for the benefit of said town; to regulate the speed of locomotive engines and cars passing through said corporation, and to prevent engines and cars from blocking up public highways at their crossings or standing in a certain distance from the crossings of said highways for a longer time than necessary to transact their business; to establish fire limits and such general regulations by ordinances for the prevention and extinguishment of fires as they may deem expedient; to regulate the storage and transportation of illuminating oils, high explosive gunpowder, tar, pitch, resin, and other explosive and combustible materials; and to regulate or prohibit the use of firearms, firecrackers, and all other fireworks; to open, alter, abolish, widen, extend, establish, grade, pave, or otherwise uniform and keep in repair streets, avenues, lanes, and alleys, sidewalks, drains, and sewers; and to provide for the planting and protection of shade trees upon the streets, avenues, or parks or other public grounds, and regulate the same; to provide for lighting the streets or public grounds by gas, electricity, or otherwise, and to this end said Board of Mayor and Aldermen are authorized to make a contract for lighting the streets of said city with any person or company for a period not exceeding five years, and to erect lamp-posts, electric towers, or other apparatus for lighting said city; to remove all obstructions from the streets, lanes, alleys, avenues, or sidewalks and curbstones within the city, and prevent and remove all encroachments into or upon all or any

Tax levy.

Fires.

Streets.

Lights.



streets, lanes, avenues, or alleys within the city established by law or ordinance; to regulate the running of horse, railway cars, or cars propelled by dummy engines, cable, or electricity, and the laying down tracks for the same, the transportation of passengers thereon, and the form of rail to be used, and to require such railroad companies from using streets to lay their tracks at the official grade thereof, and require them to bring such streets between the sidewalks to the official grade at their own expense, and to compel them to grade and keep in repair the streets between their tracks and for a distance of two feet on each side of the same; to erect and maintain a workhouse or a house of correction, and to provide for the regulation and government thereof; to prevent and restrain riots, noises, disturbances, or disorderly assemblages in any street, house, or place within the city, breaches of peace, fighting, or disorderly conduct; to prohibit or punish the abuse of animals; to provide the city with water and erect hydrants and pumps, construct cisterns and reservoirs; to lay pipe for conducting and distributing the water over the city, and to keep the same in repair; to acquire and own stock in any water company organized for the purpose of supplying said city with water for domestic, irrigating, mechanical, or other purposes; to build and construct reservoirs for the storage of water; to purchase a system of waterworks for the use of the city, and enlarge their capacity from time to time, and keep the same in repair, and generally do what may be needful or necessary to be done by contracting or otherwise with water companies or otherwise, or other persons, firms, or corporations in order to supply the city with water for fires, irrigation, domestic, mechanical, or other purposes, and regulate the same, and fix the price to be charged private customers thereof; but before any contract for supplying the city with water is made as aforesaid, the Board of Mayor and Aldermen shall first submit said proposed contract to the legal voters of said city for ratification or rejection at an election to be called for that purpose, at which a majority of the legal voters of this city shall vote to ratify said proposed contract, and the management, operation, and control of any waterworks plant or system owned or

To prevent  
riots, etc.

Water.

Waterworks.

Election to be  
held.

**Waterworks  
Commission.**

**Term of  
Waterworks  
Commis-  
sioners.**

**Powers and  
duties.**

operated by the said city shall be in the hands of a Waterworks Commission, which shall consist of three members, each of whom shall be eligible to election to the office of Mayor. Said three members shall be elected by the Board of Mayor and Aldermen as soon after the passage of this Act as may be practicable, to serve until the next regular election of city officials, and at said regular election of city officials three Waterworks Commissioners shall be elected. The one receiving the highest number of votes shall serve for a term of six years; the one receiving the next highest number of votes shall serve for four years; and the one receiving the next highest number of votes shall serve for two years; and one Waterworks Commissioner shall be elected every two years thereafter at the regular city election to serve for a term of six years. Said Waterworks Commission shall have entire and exclusive control of the management and operation of the system of waterworks, and shall have authority to employ engineers, superintendents, collectors, pumpmen, plumbers, and any and all laborers and employees necessary for the proper care and operation of said plant, and to fix their reasonable compensation; to make contracts with private consumers for the sale of water, but the Board of Mayor and Aldermen shall have authority to change the rates charged for water; to collect all water rentals and revenues accruing from the operation of said plant, and the expenses of operation shall be paid from said funds thus collected, and repairs necessary shall also be paid for from said funds; and if any balance or surplus then remains, by the consent and approval of the Board of Mayor and Aldermen, it may be used in extending the mains or in other improvements to said system of waterworks; and if said funds are not all used in said manner, the residue or surplus on hand on the thirty-first day of December of any year shall without delay be paid over to the Interest and Sinking Fund Commissioners of said city; and the expenditure of any funds on hand at the time of the passage of this Act for extension and improvement of the mains, for improvement and additions to reservoir, plant, and general system shall be made with the consent and approval of the Board and Aldermen; and any extension or

improvement necessitating the digging up of any street, alley, or public passageway shall be made in accordance with the requirements of the Street Committee. In case of the death, resignation, or removal of any or all of said Waterworks Commission, or in case of a vacancy on said Commission from any other cause, the Board of Mayor and Aldermen shall select some suitable person to fill said place until the next regular city election, at which time the voters shall elect. The person so elected shall serve only the unexpired term. Said Waterworks Commission shall render statements to the Board of Mayor and Aldermen on August 1 and February 1 of each year, and at such other times as said Board may direct, showing in detail the receipts and disbursements, and any other reasonable information desired by said Board, and shall report any other facts which said Commission may deem of interest to the taxpayers of said city. The compensation of said Commissioners may be fixed by Board of Mayor and Aldermen, and said Board may require that any member of said Commission, or any of its employees, who has charge of the funds accruing from the sale of water and otherwise shall execute a good and solvent bond in such amount as said Board may require for the faithful performance of duty and the proper accounting of all funds so received. Said Board shall also have authority to establish and enforce quarantine laws and regulations, and enforce the same within the city and within one mile thereof; to prevent or regulate the driving of stock through the city; to restrain cattle, horses, hogs, sheep, dogs, and other animals from running at large within corporate limits of said town; and to prevent the erection and maintenance of barbed-wire fence within the city limits, and to authorize the impounding and summary sale or other disposition of horses, cattle, sheep, dogs, and other animals found running at large within the corporate limits of said town; to regulate or prevent the use of firearms or fireworks, or prevent the carrying on of manufactories dangerous in causing or promoting fire; to require parties, before erecting any building or making repairs on any building, to obtain a building permit, upon written application to the Board of Mayor and Aldermen, and to make all ordinances which shall be nec-

Vacancies.

Reports.

Compensation.

Board of Mayor  
and  
Aldermen—  
powers.

Financial  
report.

conditioned on the faithful discharge of the duties of his office, and to make final settlement with Board; he shall render semiannually each year, and as often as the Board may require, a full and complete statement of the finances of said corporation; and he shall collect the taxes for said corporation and, within thirty days from the time the taxes are assessed, deliver to the said city a tax list; and he shall preserve a copy of said tax list with the papers of said corporation. The Recorder shall collect all the privilege taxes of said corporation and receive all fines collected by the Marshal, and, at the expiration of his term of office, shall deliver to his successor all books and papers belonging to the corporation, and make final settlement with the Board. He shall be vested with full power and authority to try all offenses for violation of the ordinances and the by-laws of said corporation; and said Recorder of the town of Cleveland shall be, and is hereby, vested with concurrent jurisdiction with Justices of the Peace in all cases of violation of criminal laws of the State or of the ordinances or by-laws of the Board of the Mayor and Aldermen within the corporate limits thereof, and for trying State offenses shall be allowed and entitled to the same fees now allowed to Justices of the Peace for like services, and for collecting privilege taxes he shall be allowed the same fees now allowed the County Court Clerks for like services; *provided*, that when the fees of said Recorder amounts to the sum of twelve hundred dollars in any one year, the overplus shall be paid into the general funds of the said city for the use and benefit of the said city, and the said Recorder shall give bond to the town, with sufficient sureties, to be approved by the Board of Mayor and Aldermen, in such sum as the Board of Mayor and Aldermen shall fix, conditioned upon the faithful performance of the duties of his office as Recorder, and pay over to his successor in office all such sums of money belonging to said corporation as shall be in his hands; and he shall pay out the money in his hands belonging to said corporation only upon orders or vouchers issued to him, signed by the Mayor of said corporation, and shall receive all moneys belonging to the said city, and give his receipt for the same, and at the end of his term shall make settlement with the

**Board of Mayor and Aldermen, and pay the school fund to the school custodians, and said Recorder shall keep in a well-bound book, such as Justices of the Peace keep, a record of all cases tried before him.**

**SEC. 16. *Be it further enacted,* That the Board of Mayor and Aldermen of said corporation shall have full power and authority to erect a workhouse and lockup or calaboose for the safe-keeping of persons when arrested, who fail to give bond or fail to put up forfeitures of their appearance before the Recorder for trial; and when any person or persons have been convicted of any violation of any by-laws or ordinances of said corporation fails or refuses to pay, or secure to be paid, the fine and costs accruing thereon, the Mayor and Aldermen may provide by an ordinance for their confinement in said lockup, workhouse, or calaboose, and put them to work for the town, either within an inclosure, on the streets, or other public works, under proper guard, or secured by a ball and chain, at such wages as the Board may adopt by ordinance, until said costs and fine are paid.**

Workhouse.

**SEC. 17. *Be it further enacted,* That the Board of Mayor and Aldermen shall have full power and authority to dismiss and remove any officer or agent appointed or elected by them for incompetency or neglect, or disregard of the duties imposed upon them by the by-laws and ordinances of said corporation; *provided,* that two-thirds of the Board of Mayor and Aldermen concur in the removal or dismissal.**

Removal for cause.

**SEC. 18. *Be it further enacted,* That the Mayor and Aldermen of said city shall have full power and authority to lay off and open new streets, lanes, and alleys in said city, and extend the old ones, for the convenience of the inhabitants thereof, by the manner and mode prescribed in Sections 1388, 1389, and 1390 and 1391 of Thompson and Steger's Code of Tennessee; also may require the owners of property in said city to make good cement, asphalt, gravel, stone, or wood, or such other material as said Board may designate, pavements in front or along the line of the said property. The Board shall proceed to require any such person to build a pavement by having the City Marshal, or other officer designated by the Board, deliver a written notice to the owner of said property if he can be found; and if he cannot**

May open streets.

May require pavements built.

be found, to any person having the property in charge, notifying said person that said pavement must be laid, stating the kind of material to be used, the width, and other reasonable requirements, and at the expiration of thirty days, after the serving of the said notice, said pavement has not been builded, said Board of Mayor and Aldermen, or any person to whom their authority has been delegated, shall proceed to have said pavement laid in accordance with the said requirements; and the expense of laying said walk shall constitute a lien on said property prior to all other liens, excepting taxes, for the amount thereof. After said walk or pavement has been laid, the owner or person having the property in charge shall have ninety days in which to imburse the city for the same, but shall pay six per cent interest on said amount from the time of completion of the work and the additional sum of one dollar as a penalty.

At the expiration of said ninety days, if the said sum has not been paid in full, said city may institute  
Further powers  
of Board.

SEC. 19. *Be it further enacted*, That the Board of Mayor and Aldermen of said city shall have full power and authority by ordinance, within the town and for a distance of one mile from the corporate limits, to provide for the arrest and confinement until trial of all disorderly and riotous persons within said town found by day or night, and to authorize the detention of all suspicious persons loitering about said town without any means of support; also to provide for all sanitary measures necessary to prevent sickness, and to establish quarantine where, in the judgment of the Board, the same is necessary to be done; and also to set the fees of the Recorder, Marshal, Policeman, Tax Collector, School Custodian, and Attorney, and the witnesses who may be required to attend trial of causes on behalf of the corporation; *provided*, that in no case shall the city be responsible for the payment of any costs until collected from the defendant; *provided*, that the costs are adjudged against the defendant in favor of the corporation; and, *provided, also*, that said costs so adjudged cannot be collected from such defendant, the corporation shall only be liable to pay its own costs, but no more; and in no case shall the cor-

poration be liable for costs of the defendant if acquitted.

SEC. 20. *Be it further enacted*, That the Board of Mayor and Aldermen are hereby authorized to contract any indebtedness on behalf of the city and upon the credit thereof by borrowing money and issuing bonds of the city for the purpose of taking stock in any new railroad whose lines shall run into or through the corporate limits of said city; *provided*, that the aggregate indebtedness to be incurred for the above purpose shall never exceed five per cent of the assessed valuation of the taxable property of the city as shown by the city assessment of the year preceding the one in which the loan is voted; *provided*, that no loan be issued for any purpose, except by ordinance, which shall be unrepealable until the indebtedness therein provided for and the bonds issued in pursuance thereof shall have been fully paid, and said ordinance shall specify the purpose to which funds received for the bonds to be issued are to be applied, and shall also provide for the levy upon the taxable property of the city sufficient to pay the annual interest thereon and extinguish the principal of said debt and bonds within the time limited for the same, which shall not be less than five nor more than thirty years, and the rate of interest on said bonds shall not exceed six per cent per annum; and, *provided, further*, that said taxes when collected shall only be applied to the purpose in said ordinance specified until the indebtedness and bonds shall have been paid and discharged. But no such debt shall be created nor bonds issued unless the question of incurring the same and issuing bonds therefor shall be submitted to a vote of the qualified electors and legal voters of said city, and that three-fourths of the legal voters voting at said election vote for the issuance of the bonds and creating the indebtedness.

May subscribe  
to stock in  
railroad.

SEC. 21. *Be it further enacted*, That the School Custodian shall enter into bond for the faithful discharge of his duties, and to account for all moneys that come to his hands, said bond to be approved by the Board, and the amount fixed by the Board. He shall receive from the City Recorder all school funds belonging to said city and pay it out on the order of the School Board or Trustees, and shall receive

Bond and  
duties of  
School  
Custodian.

such compensation as the Board of Mayor and Aldermen shall fix by ordinance.

Tax levy.

SEC. 22. *Be it further enacted*, That the Board of Mayor and Aldermen shall have power and authority to levy taxes for town and school purposes upon all taxable property—real, personal, and mixed—within the limits of the town, but the rate of taxation in said city for all purposes shall not exceed one dollar and fifty cents on the one hundred dollars.

Term of franchises.

SEC. 23. *Be it further enacted*, That all franchises or privileges granted by the town of Cleveland to corporations or individuals shall be limited to twenty years from the granting of the same, and such franchises or privileges so granted shall plainly specify on what streets, alleys, or avenues the same shall apply, and no franchises or privileges shall be granted by the town of Cleveland in general or apply to the town generally; *provided, however*, that franchises or privileges may be granted gas, water, and electric-light companies in general terms, and for a longer period than twenty years, by a vote of the majority of the legal voters of said city at an election called by the Board of Mayor and Aldermen.

Special police.

SEC. 24. *Be it further enacted*, That the Mayor of said city of Cleveland may, at any time in his discretion, appoint one or more policemen, whose compensation shall be provided for by said Board of Mayor and Aldermen, and whose term of service shall not be longer than sixty (60) days; and the Mayor may, if he desires, designate some particular beat or section of said city to which said policeman's authority shall be limited.

Street Superintendent.

SEC. 25. *Be it further enacted*, That the Board may elect or appoint a suitable person to have charge of and superintend the work hands on the streets, keep their time, and see that they do good work, and fix his salary or compensation.

Rate of taxation.

SEC. 26. *Be it further enacted*, That the Board of Mayor and Aldermen may levy a tax, not exceeding twenty-five cents on the hundred, upon all properties subject to State taxation, and a street tax upon all male persons between the ages of 18 and 45 years of age within the corporate limits of said city for streets, alleys, and sidewalks, not exceeding two dollars, and a tax not exceeding twenty-five cents on



the hundred upon all the property subject to State taxation, and a poll tax not exceeding the State and county poll tax on all male persons between the ages of 21 and 45 years of age within said corporate limits, exclusively for common-school purposes; *provided, however*, that the rate of taxation in said city for all purposes shall not exceed \$1.50 on the \$100, as hereinbefore stipulated.

SEC. 27. *Be it further enacted*, That the Board of Mayor and Aldermen shall have power and authority to levy and collect taxes not exceeding the rate hereinbefore fixed upon all property and privileges within its limits which are or shall be taxable by the laws of the State.

SEC. 28. *Be it further enacted*, That the Recorder shall account to the city for all fees earned and received while acting as ex officio Justice of the Peace, and that all such fees shall be included in his salary. Fees of Recorder.

SEC. 29. *Be it further enacted*, That no contract for supplying the city with water shall be made, as hereinbefore provided, for a longer period than fifteen years, and the Board of Mayor and Aldermen shall have the power and authority to regulate the prices for water or lights, or both, to be charged consumers within the limits of the city. Water contract.

SEC. 30. *Be it further enacted*, That said Board of Mayor and Aldermen shall have power and authority to pass all by-laws and ordinances necessary to enforce the power granted, not inconsistent with the Constitution and laws of the United States or the State of Tennessee, or the provisions of this charter.

SEC. 31. *Be it further enacted*, That all the property and all legal taxes, claims, fines, and forfeitures belonging to the municipal corporation of the city of Cleveland heretofore existing shall hereafter belong to the said city of Cleveland, which is hereby vested with the title to the same, and the officers and officials of said city are authorized and empowered to take charge of, collect, and receive said property, taxes, and other claims, and hold and expend the same under the provisions of this charter, and the officers of the said municipal corporation of Cleveland heretofore existing and other persons having custody or control of said property or funds are hereby authorized to deliver and pay the same to the officials of the said city of Cleveland. Succession of city.

Old laws.

SEC. 32. *Be it further enacted*, That all resolutions and ordinances heretofore enacted by the Board of Mayor and Aldermen of the municipal corporation of Cleveland heretofore existing, not in conflict with this charter or existing laws, shall be and remain in full force and effect until altered, modified, or repealed by the Board of Mayor and Aldermen of said city of Cleveland.

SEC. 33. *Be it further enacted*, That the liability of the municipal corporation of the city of Cleveland heretofore existing for all legal claims and demands existing against it shall be assumed by the city of Cleveland hereby created."

SEC. 2. *Be it further enacted*, That all officers and departments of the said city heretofore existing and not herein provided for be, and the same are hereby, abolished.

May issue  
bonds—  
purposes, etc.

SEC. 3. *Be it further enacted*, That said municipal-ity, by and through its Board of Mayor and Aldermen, is authorized to issue and sell its interest-bearing bonds in an amount not to exceed thirty-five thousand dollars, the proceeds of which shall be used for the purpose of building and laying a system of sewers, pipes, and conduits for conveying water and sewerage from different points in the said city to some point or points outside of the same, or to some point within the same, and from said proceeds septic tanks or other sewerage disposal plants may be erected, necessary land for the proper building and maintaining of said plant may be bought, rights of way may be acquired by condemnation or otherwise, and all other steps may be taken which may be desirable to render said plant or sewerage system adequate and efficient in the conducting and disposal of sewerage in said city. Said city shall have authority by proper ordinance to require all inhabitants of said city to connect their residences and business houses with said system of sewers in proper manner, and to fix the charge for connection. The entire management, maintenance, and control of said sewer system shall be in the Board of Mayor and Aldermen of said city, but said Board may delegate its said authority to a committee or commission by proper ordinance.

Said city may issue and sell all or any part of said thirty-five thousand dollars of bonds. Said bonds

shall be issued in denominations of five hundred dollars each, and they shall bear interest not to exceed six per cent per annum, and shall be sold for not less than their par value. The interest on said bonds shall be payable annually, and the interest and principal shall be payable at the Importers' and Traders' National Bank of New York City. Said bonds shall mature in series of ten bonds each, the first ten to be due and payable five years after their date of issuance, and subsequent series of ten bonds each to be due and payable every five years thereafter until all of said bonds shall be paid off and retired. Said city shall, through its Board of Mayor and Aldermen, annually levy and collect a tax sufficient to pay the interest on said bonds and to provide a sinking fund sufficient to pay off and retire said bonds at maturity. The funds so collected shall be kept separate from all other funds of the said city, and shall annually be paid over to the Sewer Bonds Interest and Sinking Fund Commissioners, hereinafter provided for, who shall keep said funds deposited in some bank or banks, preferably drawing interest, and shall annually pay therefrom the interest accruing on said bonds, and at maturity shall pay off and retire said bonds. Said funds shall not be invested in any way, but at any time that said Commissioners can purchase any of said bonds which have not matured, without material loss to the city and without jeopardizing the payment of principal or interest on any other bond at maturity, they shall have authority to do so. The Board of Mayor and Aldermen shall proceed within sixty days after said bonds are issued to elect two men, who are eligible to election to the office of Mayor of said city, as Sewer Bonds Interest and Sinking Fund Commissioners, whose duties shall be as above enumerated. Said Commissioners shall enter into bond in such amount as the Board of Mayor and Aldermen shall direct, conditioned upon the faithful discharge of duty and the proper accounting for all funds coming into their hands. Said bonds shall not be issued, however, until the question of their issuance has been submitted to the voters of said city for approval or rejection at an election to be called and held for that purpose. Said election shall be called by the Election Commissioners of Bradley County, Tenn.,

Amount of  
bonds,  
denomina-  
tions, and  
interest.

Tax levy and  
sinking  
fund.

Sewer Bonds,  
Interest, and  
Sinking Fund  
Commis-  
sioners.

Election to be  
held.

and shall be advertised for four weeks in some newspaper published in Cleveland, Tenn. Said advertisement shall set forth the use to which the proceeds of the proposed bond issue shall be put, the amount of bonds to be issued, the date and place of the election, and the first of said advertisements shall be published not less than thirty days and not more than forty days before the date of said election. Said election shall be held as other legal elections, and tickets shall be furnished on which are printed the words "For the Issuance of Sewer Bonds" and "Against the Issuance of Sewer Bonds," and the voters shall mark a cross mark after one or the other of said sentences.

Second election  
may be held.

If a majority of those voting in said election shall vote "For the Issuance of Sewer Bonds," then said city shall, through its Board of Mayor and Aldermen, proceed to issue said bonds and sell the same, and they shall be signed by the Mayor, countersigned by the Recorder, and the seal of the city affixed. If a majority of the voters voting in said election shall vote "Against the Issuance of Sewer Bonds," the bonds shall not be issued; but a second election may be held not less than six months after the first election is held. In case it is desired to hold said second election, the procedure shall be the same as for the first, and as though no former election had been held. Before said election is called by the Election Commissioners, as above provided for, a statement of the amount of bonds to be issued, the use to which the proceeds thereof is to be put, and the date of the election, shall be spread upon the records of the said city; and after said election is held, said Commissioners shall make a return to the Recorder of said city showing the result of said election.

SEC. 4. *Be it further enacted*, That all Acts or parts of Acts or laws contrary to or inconsistent with the provisions of this Act be, and the same are hereby, repealed.

SEC. 5. *Be it further enacted*, That this Act take

ffect from and after the first day of May, 1909, the public welfare requiring it.

Passed April 22, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 287.

### SENATE BILL No. 503.

(By Mr. Mansfield.)

AN ACT to provide for locating and building macadamized roads in Anderson County, Tenn., by authorizing the County Court of said county to issue interest-bearing coupon bonds of said county; to provide ways and means to carry out the work of constructing said roads, and for levying a tax and creating a sinking fund to pay said bonds and interest thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Anderson County, Tenn., be, and is hereby, authorized and empowered to issue interest-bearing coupon bonds of said county in an amount not to exceed one hundred thousand dollars, the proceeds of which shall be used as herein provided. Amount of bonds.

SEC. 2. *Be it further enacted,* That the said County Court is permanently authorized and empowered to issue said bonds in such amounts as it may from time to time determine, and that said bonds shall be issued in denominations of from one hundred to one thousand dollars, as the said court may determine, and said bonds shall not be sold for less than par.

SEC. 3. *Be it further enacted,* That said bonds shall be signed by the Judge or Chairman of the County Court of said county and countersigned by the Coun-

ty Court Clerk of said county, with his official seal affixed to the same, and shall be numbered in the order of issuance, beginning with "1."

Interest rate.

SEC. 4. *Be it further enacted*, That said bonds shall bear such rate of interest, not to exceed four and one half per centum per annum, and mature and become due and payable at such time or times from twenty to thirty years after their date, as the County Court of said county may fix and determine.

SEC. 5. *Be it further enacted*, That the interest on said bonds shall be payable semiannually, and at such times as the County Court may determine, and that each of said bonds shall have attached to it a coupon for the semiannual interest coupons for the semiannual interest for each of the years the said bonds are to run, showing the amount of each semiannual installment of interest on said bonds, and when the same shall fall due, and which coupons shall be signed in the same manner as the bonds, except the official seal of the Clerk of said court need not be affixed to said coupons. The said coupons, however, to show on their face the number and the amount of the bonds to which they are attached. The bonds and coupons herein provided for, when due and paid off by the Trustee or County Tax Collector, shall be canceled by him by stamping or writing on the face thereof the date received and paid, and the same shall be held by him as his vouchers for the payment in the settlement with the Judge or Chairman of the County Court, who will preserve said bonds and coupons as a part of the records of his office.

Proceeds of  
issue.

SEC. 6. *Be it further enacted*, That the bonds or proceeds thereof hereby authorized shall be used and expended in locating, grading, bedding, and macadamizing in the order mentioned the following roads:

Route of roads.

Road No. 1.—Beginning at the end of the pike between Clinton and Coal Creek, north of the old Ross residence, and in a northerly direction through the town of Coal Creek and to the end of the pike road between Coal Creek and Briceville, near the fork of Coal Creek, a distance of about four and one-half miles, upon which road shall be used the sum of \$10,000, or a sufficient amount thereof to build and finish said road.

**Road No. 2.**—To finish and complete the road from **inton** to **Knox County line**, as now laid out and **aded**, the sum of \$3,000 or a sufficient amount **ereof** to finish and complete said road.

**Road No. 3.**—From **Scarboro** to the **Clinton and Knox County Pike**, at or near **Westvale**, the sum of \$10,000 or a sufficient amount thereof to build said **oad**.

**Road No. 4.**—From the **Clinton and Oliver Springs Pike**, at the tanyard hollow, across **Black Oak Ridge**, to the town of **Marlow**, the sum of \$9,000 or a sufficient amount thereof to build said road.

**Road No. 5.**—From the **Clinton and Oliver Springs Road**, at or near the town of **Robertsville**, along or near the **Hickory Creek Road**, to the top of **Pine Ridge**, the sum of \$4,000 or a sufficient amount thereof to build said road.

**Road No. 6.**—From the **Clinton and Oliver Springs Road**, at **C. B. Crozier's**, toward the **Roane County line**, along the **Kingston Road**, the sum of \$3,000 or a sufficient amount thereof to build said road.

**Road No. 7.**—From the town of **Andersonville** to the fork of **Powell's** and **Clinch Rivers**, the sum of \$5,000 or a sufficient amount thereof to build said **oad**.

**Road No. 8.**—From the **Coal Creek and Bethel's Pike**, near **Tobe Cox's**, to **Carden's Store**, the sum of \$6,000 or a sufficient amount thereof to build said **oad**.

**Road No. 9.**—For completing the road as now laid out and graded from **Coal Creek** to **Fielding's Store**, said work to begin at the intersection of said road with the **Clinton and Coal Creek Pike**, in the town of **Coal Creek**, and continued from said point toward **Fielding's Store**, the sum of \$10,000 or a sufficient amount thereof to complete said road.

**Road No. 10.**—For finishing and completing the road as now laid out and graded from the town of **Coal Creek** to the **Campbell County line**, the sum of \$1,000 or a sufficient amount thereof to finish said road, the remainder, if any, to be spent on **Road No. 16** herein provided for.

**Road No. 11.**—From the **Coal Creek and Briceville Pike Road**, near the fork of **Coal Creek**, to the **Campbell County line**, in the town of **Better Chance**, the

sum of \$5,000 or a sufficient amount thereof to build said road.

Road No. 12.—From Fielding's Store, at the end of the Coal Creek Pike Road, to the Knox County line, the sum of \$1,500 or a sufficient amount thereof to build said road.

Road No. 13.—From the corporate limits of Oliver Springs to the Roane and Anderson County line, where the same crosses the Oliver Springs and Long's Mill Road, near the Louisville and Nashville Railroad, \$1,500 or a sufficient amount thereof to build said road.

Road No. 14.—From the Clinton and Coal Creek Pike Road, at or near S. P. Fowler's, across Walden's Ridge, by the way of Briceville and Pless, to Grove's Gap, the sum of \$10,000 or a sufficient amount thereof to build road.

Road No. 15.—From the Clinton and Andersonville Pike Road, at or near William Wallace's, by the way of Arville Taylor's, into the Brushy Valley, the sum of \$4,000 or a sufficient amount thereof to build said road.

Road No. 16.—From the Campbell County line, near Thomas Holder's, in Possom Hollow, by the way of Longfield Church, to the pike leading from Coal Creek to Jacksboro, a distance of about one and one-half miles, the sum of \$3,500 or a sufficient amount thereof to build said road; also the remainder of the money, if any, left from Road No. 10, after the same is constructed as herein provided for.

Road No. 17.—From the Anderson and Morgan County line, near the corporate limits of Oliver Springs, by the way of Campbell's Mines, toward Frost Bottom, the sum of \$3,500 or so much thereof as may be necessary to build said road.

Cost to be  
apportioned.

SEC. 7. *Be it further enacted*, That all the expense incident to and incurred in surveying, locating, superintending, and building of said roads shall be apportioned and charged to each road in proportion to the amount herein provided to be expended on the same.

Tax levy and  
sinking  
fund.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Quarterly Court of said county to levy a tax annually on the taxable property and privileges of said county sufficient for the purpose of paying the semiannual interest on said bonds, and also



or the purpose of creating a sinking fund for the redemption of the bonds herein authorized when the same shall fall due in such sum as the County Court may determine.

SEC. 9. *Be it further enacted*, That the Judge or Chairman of the County Court shall keep in a well-bound book in his office a record of the number and denomination of all the bonds issued under this Act, and the aggregate sum thereof, which at all times shall be subject to inspection by the said court and the public. Record of bonds.

SEC. 10. *Be it further enacted*, That the funds arising from the sale of said bonds shall at all times be kept separate and distinct from the other funds of said county, and shall be paid out only upon the written order or warrants of the Judge or Chairman of said court drawn upon said funds, and the Judge or Chairman of said court shall keep a book, in which shall be kept only a full account of orders or warrants drawn upon said funds, said book to show the amount and date of each order or warrant and the claim upon which it was paid; also the name of the Pike Road Superintendent, who shall audit and approve the same; but no order or warrant shall be drawn by the Judge or Chairman of said court on said funds unless the claim for which said order or warrant may be drawn shall have been audited and approved in writing by the Superintendent, and unless said order or warrant shall show upon its face the claim or account upon which it was drawn; and any disbursement of any part of said funds, except in strict compliance herewith, shall be illegal and void, and no credit shall be allowed therefor. Accounts.

SEC. 11. *Be it further enacted*, That the County Court shall elect a competent person to superintend the locating and building of said road, who shall have full control and supervision of locating and constructing of said roads, subject to the orders of the County Court of said county, and whose salary shall be fixed by the County Court of said county, not to exceed the sum of twelve hundred dollars per annum, the same to be apportioned and charged to each of said roads in proportion to the amount to be expended on same, and who shall, before entering upon the discharge of his duties, shall execute bond in the sum of ten thousand dollars, with good Superintendent—powers, duties, and compensation.

and solvent sureties, payable to Anderson County, conditioned upon the honest, faithful, and efficient discharge of his duties, and shall take and subscribe to the following oath before the Clerk of the County Court of said county (said bond and oath to be spread upon the record of said county) :

State of Tennessee,  
County of Anderson.

Oath of Superintendent.

I, . . . . ., Superintendent of locating and building of pike roads for said county, do solemnly swear that I will faithfully, honestly, efficiently, and impartially discharge my duties as such Superintendent to the best of my skill and ability; and that I will not, directly or indirectly, be or become personally interested in any contract to be let by me or in the work to be done thereunder, and that I will in no manner favor or seek to favor any friend or injure any enemy by any act or conduct of mine in the discharge of my said duties, and that my whole purpose in all my acts to be done as such Superintendent shall be to subserve the interest of said county, so help me God.

May employ engineer.

SEC. 12. *Be it further enacted*, That the Superintendent as herein provided shall have the right to employ a competent and practical engineer and fix his salary, not, however, to exceed the sum of twelve hundred dollars per annum, who shall, before entering upon the discharge of his duties, execute bond in the sum of ten thousand dollars, payable to Anderson County, conditioned upon the honest and faithful discharge of his duties, and shall take and subscribe to an oath in manner and form as provided in Section 11, inserting and using the word "engineer" whenever the word "Superintendent" appears in said oath of said section.

Contracts.

SEC. 13. *Be it further enacted*, That said Superintendent shall let all contracts for locating, grading, constructing, and macadamizing the roads upon which the proceeds of said bonds are to be expended: *provided*, that no contract shall be let except after advertising for thirty days in some newspaper and securing sealed bids therefor, and the lowest and best bids shall be accepted at the discretion of said Superintendent; and, *provided, further*, that no bids shall be accepted unless the party making the same

shall first give bond in ample amount, to be fixed by said Superintendent, conditioned to faithfully comply with his contract, and at no time shall more than 80 per cent of the amount due upon any contract to be paid until the work upon said contract be completed and accepted in writing by said Superintendent; but, *provided, further*, that the entire amount due on any section at least two miles long may be paid at any time on the acceptance and approval of the said section in writing by said Superintendent.

SEC. 14. *Be it further enacted*, That said Superintendent is hereby authorized and empowered by law, as in case of Road Commissioners, to open or change the location of roads and to condemn private property and assess damages for any change he may decide to be necessary in the location of said roads, such damages to be paid out of the proceeds of said bonds.

Opening and  
changing  
roads.

SEC. 15. *Be it further enacted*, That it shall be the duty of said Superintendent to keep books and enter therein all accounts and expenses incurred in the construction of said roads as expended under this Act, and said books shall be open to inspection at any reasonable time by any citizen or taxpayer of the county, and he shall first audit and approve in writing all claims for work done and material furnished in the construction of said roads and all or any item of expenses payable out of the proceeds of said bonds; he shall report in writing to each quarterly term of the County Court of said county the amount of work done and obligations incurred by him during the preceding three months, which report shall be passed upon by said court and compared with the books of the Judge or Chairman of said court herein required to be kept, and shall be confirmed as far as correct, and the said County Court shall have the right of ten days' written notice by the Judge or Chairman of said court, at the request of five members of said court, to remove said Superintendent, at the discretion of said court, by a majority vote of all the Justices of said county.

Accounts and  
reports.

May be  
removed by  
County  
Court.

SEC. 16. *Be it further enacted*, That the said bonds, when issued by the Judge or Chairman of said county and Clerk of the County Court as hereinbefore provided, shall be turned over to the County Trustee of said county, he executing receipts in duplicate

therefor; but before said bonds are delivered to said Trustee, to be delivered to the purchaser thereof, he shall be required to give good and sufficient bond for the proper delivery to the purchaser thereof and for the safe-keeping of the proceeds thereof and for the payment of same on orders or warrants as heretofore provided, and the Trustee is hereby authorized and empowered to loan or deposit said funds to any responsible bank or banking company at interest on the average daily balance, he taking good and solvent security for same.

Purchase of  
road imple-  
ments, etc.

SEC. 17. *Be it further enacted*, That the County Court of said county may, out of the proceeds of said bonds, purchase a rock crusher, a road roller, a road grader, mules, scrapers, tools, etc., necessary for the building of said roads and repairing pike roads of said county. The sum so expended shall be apportioned and charged to each road herein provided for in proportion to the amount to be expended on the same.

SEC. 18. *Be it further enacted*, That all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 19. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 288.

### SENATE BILL No. 528.

(By Mr. Sells.)

**AN ACT** entitled An Act to amend an Act passed February 10, 1909, and approved February 15, 1909, the same being House Bill No. 197, entitled An Act to create a Board of Public Road Commissioners to lay out and maintain the public roads in this State in counties having a population of not less than 30,595 nor more than 30,600 under the Federal census of the year of 1900 or any subsequent Federal census.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That House Bill No. 197, passed February 10, 1909, and approved February 15, 1909, the same entitled An Act creating a Board of Public Road Commissioners to lay out and maintain the public roads in this State in counties having a population of not less than 30,595 nor more than 30,600 under the Federal census of the year 1909 or any subsequent Federal census, be, and the same is, so amended as to exclude from the operation and effect of the said Act any of its provisions which conflicts with or may be repugnant to the terms and provisions of the special Act created under the Act of the General Assembly of the State of Tennessee authorizing Greene County to issue bonds or interest-bearing time warrants for the improvement and maintenance of her public roads, the same being Chapter 525 of the printed Acts of 1907, and passed April 13, 1907, and approved April 15, 1907.

Applies to  
Greene  
County.

**SEC. 2.** *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby

repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

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## CHAPTER 289.

### SENATE BILL No. 530.

(By Mr. Sells.)

AN ACT entitled An Act to amend Chapter 308 of the Acts of the General Assembly of the State of Tennessee, passed April 1, 1903, and approved April 10, 1903, entitled "An Act to incorporate the town of Erwin, in the county of Unicoi, and State of Tennessee; and to provide for the election of officers, and prescribe their duties, and for other purposes."

Boundaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* Section 2 of the Act incorporating Erwin, Tenn., being Chapter 308 of the Acts of the General Assembly of the State of Tennessee for the year 1903 be so amended as to strike out all after the enacting clause of said section and insert the following in lieu thereof: "That the boundary of said town of Erwin, Tenn., shall be as follows: Beginning at the south corner of the Erwin Manufacturing Company's property, in the Fifth Civil District of the county of Unicoi; thence in a southeasterly direction to a stake at the northwest corner of Mrs. Hannah McNabb's lot, near the road leading from Erwin to Rock Creek; thence a southwest course to the McIntuff Spring; thence a south course to the east corner of the land which A. R. Brown sold to the Holston corporation; thence

uthwest to an apple tree in a lane leading from  
e Martin Creek Road to the tenant house on the  
. A. Jones 76-acre tract of land which the Holston  
rporation now owns; thence a southwest course  
a sycamore tree in the south corner of the lot  
here H. A. Jones now lives and which is owned by  
e Holston corporation; thence a northwest course  
ver the little mountain to the mouth of North In-  
an Creek; thence up and with the meanderings of  
e creek a northeasterly direction to the west cor-  
er of the Erwin Manufacturing Company's prop-  
erty; thence with their line to the point of begin-  
ing."

SEC. 2. *Be it further enacted*, That this Act take  
effect from and after its passage, the public welfare  
requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 290.

### SENATE BILL No. 532.

(By Mr. Sells.)

AN ACT to authorize the Board of Mayor and Aldermen of  
Mountain City, Tenn., to issue three thousand dollars (\$3,000)  
of six per cent interest-bearing coupon bonds to pay the pres-  
ent indebtedness of said town incurred in the erection of a  
school building and for school-building purposes generally  
within the town of Mountain City, Tenn.

SECTION 1. *Be it enacted by the General Assembly*  
*of the State of Tennessee*, That the Board of Mayor  
and Aldermen of the town of Mountain City, a mu-  
Amount of  
bonds.

municipal corporation located in Johnson County, Tenn., be, and it is hereby, authorized to issue three thousand dollars, or such part thereof as may be deemed necessary, of six per cent interest-bearing coupon bonds of said town of Mountain City, to be used in paying or liquidating the present indebtedness of said town incurred in the erection of a school building and for school-building purposes generally within said town.

Interest rate  
and date of  
maturity.

SEC. 2. *Be it further enacted*, That the bonds hereby authorized shall bear interest at the rate of six per cent per annum, payable semiannually, which several installments of interest shall be represented by coupons attached to said bonds, and said bonds shall mature and become payable at such times, from ten to forty years, after date as the Board of Mayor and Aldermen of the town of Mountain City by ordinance fix and determine.

SEC. 3. *Be it further enacted*, That the Board of Mayor and Aldermen of the town of Mountain City, Tenn., shall have the right and power by ordinance to fix and determine the date upon which said bonds shall be issued, their denomination and numbers; the time, from ten to forty years, at which said bonds or any of them shall mature; the numbers of the semiannual interest coupons, their date and time of payment; and the place and time of payment of both the interest coupons and the principal of said bonds.

SEC. 4. *Be it further enacted*, That said bonds and interest coupons shall bear the signature of the Mayor, attested by the signature of the Recorder of said town, or a facsimile of their signatures, and the seal of said town shall be stamped upon each of said bonds.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



CHAPTER 291.

SENATE BILL No. 534.

(By Mr. Sells.)

**AN ACT** to change the voting place of the Sixteenth District of Greene County, Tenn., from Cedar Grove Schoolhouse to Union Temple Schoolhouse.

**WHEREAS** the house at Cedar Grove having been moved to Union Temple, leaving the district without a place to hold an election.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the voting place of the Sixteenth District of Greene County, Tenn., be changed from Cedar Grove to Union Temple Schoolhouse.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

**WILLIAM KINNEY,**  
*Speaker of the Senate.*

**M. HILLSMAN TAYLOR,**  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

**MALCOLM R. PATTERSON,**  
*Governor.*

## CHAPTER 292.

### SENATE BILL No. 539.

(By Mr. Turner.)

AN ACT to be entitled "An Act to regulate the working and laying out of public roads in counties having a population of not less than 15,224 nor more than 15,250 according to the Federal census of 1900 or any subsequent Federal census."

Applies to  
Stewart  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Quarterly Court at its January term, 1910, and annually thereafter to elect one Road Commissioner, who shall be a freeholder in said county, who shall hold his office for one year, and until his successor is elected and qualified.

SEC. 2. *Be it further enacted*, That should any Commissioner so elected fail to qualify within ten days after his election, it shall be the duty of the Chairman of the court to appoint a Commissioner for such county, and said Commissioner so elected shall enter into bond before the County Court Clerk in the penal sum of one thousand dollars (\$1,000), payable to the State of Tennessee, and conditioned for the faithful performance of his duties and for accounting for all money that may come into his hands by virtue of his office, and shall also take an oath for the faithful performance of his duties.

Powers and  
duties of  
Road Com-  
missioner.

SEC. 3. *Be it further enacted*, That the Road Commissioner of the county shall have entire supervision of all bridges and culverts in said county, which he shall have built, repaired, and kept in repair, the same to be paid for out of the road funds of the civil district in which said road funds are located. He shall also have supervision of all the public roads in the county, and shall lay them out and classify them as first, second, and third-class roads.

Roads  
classified.

Roads of the first class shall be twenty-four feet wide; second class, eighteen feet wide; and third class, fourteen feet wide. Each shall be ditched properly to drain the roadbed, and roads shall be worked in such a manner as will drain water to

itches, and so that no water will stand in bed of  
roads. That the Road Commissioner shall keep a Road record.  
well-bound book, in which he shall keep a record of  
each road in the county and the classification of  
same, together with a description of each bridge in  
the county; he shall also assign the hands; *provided,*  
*however,* that nothing in this section shall be con-  
strued as taking the power away from the County  
Court to have built and contracting to have built iron  
ridges across any of the streams in said county.

**SEC. 4.** *Be it further enacted,* That all applications Opening and  
changing  
roads.  
to open, close, or change a road shall be made to the  
Road Commissioner of the county, and shall give at  
least ten days' notice to all interested parties of the  
time he will inspect said road, and he may employ  
surveyor to locate same if necessary. Said Com-  
missioner shall have the power to condemn land for Power of con-  
demnation.  
the purpose of laying out new roads or to widen old  
roads, and turn creeks out of said roads wherever  
it may be necessary for the public, and to assess the  
value of same. Any persons aggrieved by the ac-  
tion of the Commissioner may appeal to the next  
term of the County Court, which appeal may be  
heard and determined by the court; and if the appli- Appeals.  
cation is granted, all costs and damages shall be paid  
by the applicant or applicants, unless for good rea-  
sons that it shall assess the same to the same to the  
county, in which case the same shall be paid by or-  
der of the County Court out of any money in the  
treasury not otherwise appropriated, in which event  
they shall report their action to the next term of the  
Quarterly Court for approval; and if the Quarterly  
Court disapproves the same, parties aggrieved may  
appeal to the Circuit Court.

**SEC. 5.** *Be it further enacted,* That the Commis- Contracts.  
sioner shall let out to the lowest bidder the working  
of the public roads in each civil district to one or  
more contractors for the term of one year, which  
contractor shall enter into bond, with two or more  
good and sufficient sureties, in the penal sum of  
double the amount of his contract, payable to the  
State of Tennessee, conditioned for the faithful per-  
formance of his contract.

**SEC. 6.** *Be it further enacted,* That all male inhab- Road duty—  
who liable.  
itants over twenty-one and under fifty years of age,  
except those living within the bounds of an incor-

porated town and such as are permanently disabled from performing ordinary labor and are released by the Commissioner upon the presentation of a release from the County Court from paying poll tax, shall work on the highways each year not less than six days on one day's written or personal notice by the contractors of the time and place to commence work, and any hand so notified may be exempt from work on the road by paying to the Commissioner of the county fifty cents per day, provided same is paid before June 30; sixty cents per day, provided same is paid after July 1 and before August 31; and seventy-five cents, if paid after September 1, for each day he is required to work; *provided, however*, that he has been legally notified to work by the contractor.

Tax levy.

SEC. 7. *Be it further enacted*, That that County Court of such county shall, at the July term of the Quarterly Court after the passage of this Act and annually thereafter at the January term, levy a tax for highway purposes, to be not less than twenty-five cents on each one hundred dollars' worth of taxable property, as shown by the assessment made by the county or District Assessors, and on privileges not less than ten cents on the one hundred dollars, and all taxes assessed under this Act and collected as hereinafter provided shall be used for maintaining the highways and bridges in the district in which said assessment is made, and all such tax shall be paid in money.

SEC. 8. *Be it further enacted*, That all assessments for highway purposes shall be collected as other county revenue by the Trustee, who shall be allowed a commission of two and one-half per cent for collecting and paying out the same.

SEC. 9. *Be it further enacted*, That the Trustee shall make settlement with the Chairman of the County Court monthly for all road tax collected and paid out by him, and shall account for same in the same manner that he is now required for county taxes.

Fines.

SEC. 10. *Be it further enacted*, That the Commissioner of the county may bring suit before any Justice of the Peace against all persons subject to highway labor in the county who shall fail or refuse to work or commute as hereinbefore provided for such work when properly notified by the contractor, and,

upon conviction, shall be fined not less than one dollar and fifty cents for each day he is notified to work, together with the costs of such suit, which fine shall be paid to the Commissioner, to be paid by him to the Trustee, with all other money collected by him for road purposes, and the Trustee shall place all money by him collected from the Road Commissioners to the credit of the district from which it is collected.

SEC. 11. *Be it further enacted*, That the Road Commissioner of the county shall furnish the County Court Clerk a full description of each road in the county, with the classification of same, to be by the Clerk recorded in a well-bound book, to be known as the "Public Road Record," and kept in his office as other public records, for which the Clerk shall receive a fee of twenty-five cents for each road record, to be paid by the county.

"Public Road  
Record."

SEC. 12. *Be it further enacted*, That all public roads in the county shall be worked by the contractors at any time of the year when the contractor may deem it proper to work such roads, and all ditches shall be kept open the year round.

SEC. 13. *Be it further enacted*, That it shall be the duty of contractors to erect and establish mileposts and finger boards at the crossings of all public roads pointing to the county seat and giving the number of miles to same, and also to erect good and substantial foot logs at all public crossings of creeks. If there is no contractor, as hereinbefore provided for, it shall be the duty of the Road Commissioner to work said roads of the county in any manner that he may deem proper.

Mileposts,  
signboards,  
and foot logs.

SEC. 14. *Be it further enacted*, That the Road Commissioner of the county shall, at the end of each month, inspect the work done by the contractors during said months, and shall issue to him his warrant drawn upon the County Trustee for an amount not exceeding the actual cost of such work, and no work shall be paid for until inspected and approved by the Commissioner, and said warrant shall be paid by the Trustee of the county out of the road funds of such district after being countersigned by the Chairman of the County Court.

Monthly  
inspection of  
work done.

SEC. 15. *Be it further enacted*, That nothing in this Act shall be construed so as to alter or abridge the

power of the Quarterly Court now has over the bridges of such county.

Nine hours a day's work.

SEC. 16. *Be it further enacted*, That a day's work, in the meaning of this Act, shall be nine hours of actual service, and no more than ten hours shall be counted in any twenty-four.

Compensation of Commissioner.

SEC. 17. *Be it further enacted*, That the Commissioner shall be paid five hundred dollars (\$500) per year, which shall be paid by the warrant of the County Judge drawn upon the Trustee of the county and paid out of the road funds of such county.

Repairing bridges, etc.

SEC. 18. *Be it further enacted*, That in building and repairing all bridges, culverts, the work shall be done by the road contractor under his contract. The Commissioner shall furnish him the material, which shall be paid for by warrant upon the County Trustee, to be paid for out of the road funds of said district.

Chairman of County Court to furnish tools, etc.

SEC. 19. *Be it further enacted*, That the Chairman of the County Court shall furnish all tools and keep same in repair for working said roads, and all material for building and repairing bridges and culverts, to be paid for out of the road funds of the civil district, for which said tools and material is furnished.

Penalties.

SEC. 20. *Be it further enacted*, That any contractor failing to comply with his contract shall be subject to indictment or presentment by the grand jury of the county, who shall have inquisitorial power over such cases, and, on conviction, shall be fined not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) for each offense, which fine shall go to the road funds of the district in which the offense was committed.

SEC. 21. *Be it further enacted*, That any person who shall put or cause to be put any obstruction in any of the public roads in said county as laid out and designated by the Road Commissioner or in any private road shall be subject to an indictment or presentment by the grand jury of such county and fined not less than five dollars (\$5) nor more than ten dollars (\$10) for each offense, which fine shall go to the road fund of the district in which the offense was committed, and no property shall be exempt from such fine and cost on any delinquent road hand for failing to work the road.

SEC. 22. *Be it further enacted*, That any Road Commissioner who fails or refuses to perform any of his duties or shows any partiality in the performance of the same shall be subject to indictment or presentment and fined not less than ten dollars (\$10) nor more than twenty-five dollars (\$25) for each offense, which fine shall go to the county road fund in which the offense was committed.

SEC. 23. *Be it further enacted*, That in constructing culverts across any of the public roads of such county where it is practicable tiling or stone shall be used instead of wooden culverts, and the Chairman of the County Court may purchase such tiling and pay for the same out of the county funds and furnish the Road Commissioner for use, and charge said district with the amount they may use at actual cost and cartage, and shall reimburse the county out of the road fund of such district in which it is used.

Construction  
of culverts.

SEC. 24. *Be it further enacted*, That it shall be the duty of the Road Commissioner of such county to turn over or account for same to his successor in office any and all tools and materials, if any on hand, in his possession.

SEC. 25. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 293.

### SENATE BILL No. 544.

(By Mr. Turner.)

AN ACT to amend an Act entitled An Act to incorporate the town of McEwen, Humphreys County, Tenn., passed April 8, 1907. Chapter 328 of said Act. The same is hereby amended so as to add to the powers of said corporation conferred upon it by said Act of 1907 the following powers—to wit: To provide for a street tax; to provide for street lights; to provide for a public-school district; to provide for and establish a system of free schools for said town; to provide for the paying over by the Trustee of said county to the School Board for said corporation the pro rata portion of the State and County Public School fund coming to the school children of said McEwen School, including their portion of the Spencer T. Hunt Fund, to be paid over according to the scholastic population of said town.

School district  
established.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporation limits of said town of McEwen, described in said Act of 1907, be, and is hereby, established as a school district.

To establish  
free schools.

SEC. 2. *Be it further enacted*, That the Board of Mayor and Aldermen of said town shall have the power to provide for and establish a system of free schools for all classes of children in said town, as hereinafter provided, between the ages of six and twenty-one years, and to regulate the same so as to avoid sectarian influence.

Special school  
tax.

SEC. 3. *Be it further enacted*, That said Board of Mayor and Aldermen shall have the power to set apart and designate such portion of the taxes collected by said corporation under its original charter for public-school purposes, not to exceed fifty per cent of the taxes authorized to be collected and collected in each year; provided, that the Mayor and Aldermen of said town is authorized and empowered to submit the proposition to the qualified voters of the town to levy and collect a special school tax, not exceeding the tax collected by the State for public-school purposes on each one hundred dollars of taxable property of the town; and if two-thirds of the qualified voters voting at said election shall vote



or the tax, then said tax shall be levied and collected for the purpose of aiding the free-school system of said town.

SEC. 4. *Be it further enacted*, That said Board of Mayor and Aldermen shall have the power to elect or appoint a Board of Education for said town, consisting of three male freeholders or taxpayers of the same, who shall hold their offices for one, two, and three years, respectively, and until their successors are elected or appointed, the first election or appointment to be made as soon after the passage of this Act as may suit the convenience of the Board of Mayor and Aldermen of said town; *provided*, that said first Board of Education may all hold over until the first Tuesday in January, 1911, and thereafter they shall be elected or appointed on the first Tuesday of each year, and in the appointment or election it shall be stated which shall hold for the one, two, and three years.

Board of Education.

SEC. 5. *Be it further enacted*, That it shall be the duty of said Board of Education to organize by the election of one of their members as Chairman and one as Secretary and Treasurer of said Board, all of whom shall serve without compensation, except as hereafter provided; to appoint or employ a Superintendent and teachers for the public schools of said town. Said Superintendent may be principal of the school, and shall not be entitled to any salary as Superintendent, and shall be appointed or elected annually.

Organization.

To employ superintendent and teachers.

It shall be the duty of said Secretary or Treasurer of said Board of Education to collect any special school tax levied by said corporation for school purposes, in the same way and manner provided in the original charter of said town, for the collection of other taxes.

It shall also be the duty of said Secretary and Treasurer of said Board to take the scholastic population of said incorporation as soon after the passage of this Act and his appointment as possible, and make two reports thereof, one to be furnished the County Trustee and the other the County Superintendent of Public Instruction. Said Secretary and Treasurer shall enter into bond sufficient to cover any school fund belonging to said city school, which bond shall be made annually, payable to the State

To take scholastic population.

of Tennessee for the use of the Board of Education of said city schools. The Board of Mayor and Aldermen of said town may allow such compensation to said Secretary and Treasurer as may be reasonable for his services as such officer.

May consolidate schools.

SEC. 6. *Be it further enacted*, That the Board of Education of said town are hereby empowered to consolidate the public schools of said town with any private school of the town, when in their judgment it is in the interest of said public school to do so; *provided*, that in making such consolidation, the Board of Education shall have the jurisdiction over that portion of said school that would be under the jurisdiction of said Board were the school altogether a city public school.

Qualifications of City Superintendent.

*Provided, further*, That said City Superintendent shall submit to the Board of Education the same qualification as is required of an applicant for the office of County Superintendent, and he shall occupy the same place and exercise the same function of his office as that of County Superintendent of Public Schools, and shall meet with the Board of Education, and they together may prescribe such regulations as they may think best for the management of the city school.

Apportionment of school funds.

SEC. 7. *Be it further enacted*, That the County Trustee of Humphreys County shall apportion or set apart to McEwen City School herein established the per capita or pro rata share of each child of the school fund now on hand or that may hereafter be derived from the State, county, and Spencer T. Hunt Fund for the maintenance of public schools in said county in 1909, in accordance with the scholastic census of 1908, the same to be set aside for McEwen City School as here established and paid over by said Trustee upon the order of the Board of Education for said town, said order or warrant to be signed by the Chairman and Secretary and Treasurer of said Board of Education. *Provided, further*, that any funds set apart for school purposes by the Board of Mayor and Aldermen of said town shall be paid over to the Board of Education of said town upon an order or warrant drawn by the Board of Education, through its Chairman, Secretary and Treasurer, upon the Secretary or Treasurer of said town, the same to be countersigned by the Mayor.

**SEC. 8.** *Be it further enacted,* That the Board of Education may permit children living outside the limits of said town to attend said school, but within the original boundaries of the school district which formerly embraced said town; *provided,* that they be transferred with their per capita or pro rata share of the public-school fund for distribution and support of schools for the year in which they attend the McEwen City School, said fund to be set apart by the County Trustee for such children so transferred and paid out by him as hereinbefore shown, said transfer of children to McEwen City Schools to be made only by agreement of the Board of Education of McEwen and the consent of the County Board of Education.

Powers of  
Board of  
Education.

**SEC. 9.** *Be it further enacted,* That any children in the said old district who may be transferred to McEwen City School, with their pro rata of the school fund for that year, shall only be entitled to attend said McEwen City School so long as the same may be run by the public-school fund derived from the State and county as aforesaid, and will not be entitled to participate in any special fund appropriated by the city of McEwen, unless their parent or guardian be a taxpayer in the corporation aforesaid.

**SEC. 10.** *Be it further enacted,* That said Board of Education for McEwen shall have the power to add to the regular public-school grades, as in their judgment may be to the interest of said city school, such branches so added becoming part of the public-school studies for said city school. It shall be the duty of said Board of Education for said town to keep a well-bound book, in which shall be recorded all the official acts of said Board, which shall be open to the inspection of the voters and taxpayers of the town at all reasonable hours; to keep separate schools for white and colored children, and to make such other arrangements as may be necessary to carry out the objects and purposes of this Act.

**SEC. 11.** *Be it further enacted,* That said Board of Mayor and Aldermen of said town may contract for the erection and maintenance of electric or other street lights for said town upon such terms as may be agreed on by said Board of Mayor and Aldermen and the other contracting parties, but in no event to

Street lights.

exceed an expenditure of more than five hundred and fifty dollars per year for said lights, with the right upon said incorporation or the other party contracted with to terminate said contract at any time upon thirty days' written notice to the other party.

Street tax.

SEC. 12. *Be it further enacted*, That the Board of Mayor and Aldermen of said town shall have the power to levy a street tax upon all person residing within the corporate limits thereof within the ages subject to public-road duty under the general laws of the State; *provided*, that said tax shall not exceed three dollars per year, which may be discharged in money or four days' work upon the streets at the option of the party subject to said tax. Said street tax to be applied alone to the improvement of the streets or sidewalks of said town. All tax not worked out on the streets or sidewalks by the parties subject to the same shall be collected in the same way and manner provided for in the original Act incorporating said town for collection of taxes.

SEC. 13. *Be it further enacted*, That all public-school property now situated within the corporate limits of said town shall belong to the school district herein established.

SEC. 14. *Be it further enacted*, That all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 15. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

CHAPTER 294.

SENATE BILL No. 560.

(By Mr. Senter.)

**AN ACT** to amend an Act entitled An Act to incorporate the town of Humboldt, in Gibson County, Tenn., and to confer powers on the said corporation, and define its boundaries, and to provide for the government of said town, and the debts of the town contracted under a charter thereof, repealed in 1903, and for other purposes, and approved March 20, 1903, so as to authorize and empower the Board of Mayor and Aldermen of said town to borrow money in the sum not to exceed \$25,000 on the credit of said town, and to execute notes therefor, for the purpose of advancing or paying the cost and expenses incident to the laying of sidewalks in said town.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That an Act entitled "An Act to incorporate the town of Humboldt, in Gibson County, Tenn., and to confer powers on the said corporation, and define its boundaries, and to provide for the government of said town, and the debts of the town contracted under a charter thereof, repealed in 1903, and for other purposes," and approved March 20, 1903, be amended so as to authorize and empower the Board of Mayor and Aldermen of said town to borrow money in the sum not to exceed \$25,000 on the credit of said town, and to execute notes therefor, for the purpose of advancing or paying the cost and expenses incident to the laying of sidewalks in said town, where walks are to be built under the orders and direction and ordinances of the Board of Mayor and Aldermen of said town, and to be paid for by the abutting owners thereof in installments, and where the said town advances the money for such abutting owners in accordance with ordinances of said town.

**SEC. 2.** *Be it further enacted,* That for any money borrowed by said Board of Mayor and Aldermen of said town for said purposes, the Mayor and Secretary of the Board of Aldermen may execute the notes of said town and sign the same under the seal of said town, said notes to mature not later than three

years from date of execution and to bear a rate of interest not exceeding six per cent per annum.

SEC. 3. *Be it further enacted*, That this Act take effect on and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 295.

### SENATE BILL No. 618.

(By Mr. Parham.)

A BILL to be entitled An Act to amend Chapter 37, Acts of 1909, the same being "An Act authorizing Cocke County, Tenn., to issue bonds for the building of turnpikes, the improvement of public roads, and the construction of a bridge across the Pigeon River."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 2 of Chapter 37, Acts of 1909, be amended by providing that the bonds described in said section may be in the denomination of either \$500 or \$1,000; that the semi-annual interest thereon may be paid either January 1 and July 1 as therein provided or upon such other dates as the County Court may fix, and that said bonds and the interest thereon may be paid at the office of the Trustee of Cocke County as provided in said Act or in such other place as the County Court may designate or authorize the Cocke County Pike Commission to designate; *provided*, that nothing in this Act shall be construed to annul or in any way affect any action taken by the County Court of Cocke County under the provisions of Chapter 37, Acts of 1909, prior to the passage of this Act.

SEC. 2. *Be it further enacted*, That Section 26 of said Chapter 37, Acts of 1909, be so amended as to provide that the County Court shall designate the place where said \$100,000 bonds and the interest on the same shall be paid or authorize the Cocke County Pike Commission to designate same, and said County Court shall fix the dates when said semi-annual interest shall be paid.

SEC. 3. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 296.

### SENATE BILL No. 460.

(By Mr. Holladay.)

AN ACT to be entitled An Act to authorize the County Court of Jackson County, upon an affirmative vote of the people, to issue interest-bearing coupon bonds of said county for the purpose of laying out, establishing, improving, and building public roads and bridges in said county; to provide for the payment of interest on such bonds; to create a sinking fund for their redemption; and to provide for a Board of Commissioners to carry out the provisions of this Act, and define their duties and powers.

Submission of  
question to  
vote.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That within not less than twenty days nor more than ten years after the passage of this Act, upon the written petition of not less than two hundred of the qualified voters of Jackson County, representing not less than one hundred thousand dollars (\$100,000) in taxable property, it shall be the duty of the Commissioners of Election, Sheriff, or other person or persons authorized to call and hold elections in said county to call and have held at the various voting places in said county an election for the purpose of determining whether the qualified voters of said county are in favor of the issuance of interest-bearing coupon bonds in the amount of not less than sixty thousand dollars (\$60,-



000) nor more than one hundred thousand dollars (\$100,000), the precise amount to be voted on to be fixed by the written petition hereinbefore provided for and set out in the call of said Commissioners, said bonds to be sold and their proceeds applied to locating, improving, draining, macadamizing, changing, and building public roads in said county and bridging the streams of same.

SEC. 2. *Be it further enacted*, That the Commissioners of Election, Sheriff, or other person or persons authorized to call and hold elections in said county shall give at least twenty days' notice of said election by publication in some newspaper published in said county; that the qualification of voters shall be the same as in general elections, and that the election shall be held at the same places and in the same manner of general elections and under the laws regulating the same. Notice of election.

SEC. 3. *Be it further enacted*, That in said election all persons voting who are in favor of the issuance of said bonds shall have printed or written on their tickets "For Good Roads;" those opposed to the issuance of such bonds shall have printed or written on their tickets "Against Good Roads," and a ballot "For Good Roads" shall be counted a ballot for the issuance of said bonds, while a ballot "Against Good Roads" shall be counted a ballot against the issuance of said bonds. Ballots.

SEC. 4. *Be it further enacted*, That after the Election Commissioners shall have received and canvassed the returns of such election, they shall file their report with the Chairman of the County Court of said county, showing the return thereof; and if a majority of the votes cast shall be "For Good Roads," said Chairman shall, at the next quarterly session of the County Court after such election, announce the result to said County Court, and said proposition shall be carried. Returns.

SEC. 5. *Be it further enacted*, That for the purpose of carrying out the will of the people, the County Court shall thereupon order an issue of coupon bonds in the amount designated by the written request and voted on as heretofore provided for in this Act, not less than \$60,000 nor more than \$100,000 in denominations of not more than \$1,000 each, payable in lawful money of the United States. Said Amount of bonds.

County Court shall determine when said bonds shall be issued, not less than one-third of which shall be within six months after the election hereinbefore provided for, and the remainder as needed; *provided, however*, that the total amount voted shall be issued within eighteen months after said election; length of time they shall run; whether they shall be redeemed before maturity, and, if so, at what time and upon what notice. Said County Court shall also determine the rate of interest said bonds shall bear, which shall not be less than four nor more than six per cent per annum, and shall also designate the person or persons by whom said bonds and coupons shall be executed in the name of the county and by whom delivered; *provided*, that said bonds shall not be sold for less than their face value, and shall not be issued for a longer period than thirty years.

"Good Roads Commissioners"—term, powers, compensation.

SEC. 6. *Be it further enacted*, That the County Court of said county, at the first quarterly session after the election herein provided for, if in such election the proposition to issue bonds has been decided affirmatively, shall elect five Commissioners, none of whom shall be members of the County Court, to be known as "Good Roads Commissioners." Said Commissioners shall hold office for a term of two years from the date of their election, and until their successors shall be elected and qualified. All of said Commissioners shall be residents and freeholders of Jackson County—one from the central, one from the northern, one from the eastern, one from the southern, and one from the western portion of said county—no two of whom shall be from the same civil district. Said Commissioners shall have the full control of locating, constructing, improving, macadamizing, grading, and building public roads in said county and constructing bridges therein. The compensation of said Commissioners shall be fixed by the County Court in quarterly session, and shall be paid out of the funds derived from the sale of the bonds herein provided for. In case of a vacancy in said Board, the same shall be filled by the Chairman of the County Court by appointment until the next quarterly session of said court, when the said court shall elect from the same section of the retiring member some citizen to fill the position.

Vacancies.

SEC. 7. *Be it further enacted*, That said Commis-

sioners, before entering upon the duties of said office, shall execute bond, with good and solvent security, in such sum as said County Court shall designate, payable to Jackson County, and conditioned upon the honest and faithful performance of their duties as such Commissioners, and they shall subscribe to an oath before the Clerk of said court to faithfully, impartially, and honestly discharge their official duties. Said oath shall be filed with the Clerk of the County Court.

Oath and bond  
of Commis-  
sioners.

SEC. 8. *Be it further enacted*, That within fifteen days after the election and qualification of said Commissioners, they shall meet and organize by electing one of their number Chairman and another Secretary. A majority of said Commissioners shall constitute a quorum to do business. It shall be the duty of the Chairman of said Board to preside over the official meetings of same, to call meetings of said Board when he deems such meetings necessary, and such other duties as are incident to his official position or that the County Court may see fit to impose upon him. It shall be the duty of the Secretary of said Board to keep a correct record of the official acts of said Board of Commissioners, and upon approval of the same by said Board acting officially, shall transmit said report to each quarterly session of the County Court. Said report shall show in detail the work of said Commission since the last report was made; the contracts they have let for road building, with copies of said contracts filed; the road, if any, completed and accepted under previous contracts, and the amount of money paid for such work; the amount of money that has been expended in road building under the provisions of this Act, and the amount yet remaining of the fund herein provided; the roads said Commissioners have selected upon which to expend the remainder of such fund, and the number of miles of said roads that can be built with same. Said report, when countersigned by the Chairman of the Commission, shall be filed with the Clerk and entered upon the minutes of the County Court.

Organization.

Duties of  
Chairman  
and Secre-  
tary.

Quarterly  
report

SEC. 9. *Be it further enacted*, That all work on said roads or bridges shall be done by contract, and it shall be the primary duty of said Board of Good Roads Commissioners to select the public highways

Contracts.

in Jackson County which the public welfare demands should be built or improved; that they are authorized, if they deem same necessary, to employ an engineer and other expert service to survey, inspect, change, and classify said public roads, and to make charts and maps of same; that said Commissioners, after having selected said roads and acquired and inspected the rights of way, shall make a detailed record of the approximate costs of building or improving said roads in accordance with the provisions of this Act; and that said Commissioners shall then advertise for bids on said work as a whole or in sections or parts, and shall award the contract to the lowest responsible bidder or bidders; *provided*, that it shall require a unanimous vote of said Commissioners to accept bids which are higher than the estimated price fixed in the detailed record made; and, *provided, further*, that not more than seventy per cent of the funds provided by this Act shall be expended on either side of the Cumberland River in Jackson County. All work shall be done subject to the inspection of the Commissioners or assistants employed by them, and the work done according to the specifications shall be approved and accepted by the Commissioners, while the work not so done shall [be] disapproved and rejected by the Commissioners. Said Commissioners shall require good and solvent bonds of all contractors, payable to them, for the use of Jackson County, in such sum as the Commissioners may think proper, and conditioned upon the faithful and prompt performance of their contract according to its terms and specifications; *provided, further*, that at least twenty (20) per cent of the sum due any contractor shall not be paid him until his contract has been carried out and his work accepted by the Commissioners and a report of their acceptance and approval has been made the County Court.

Three divisions  
of county  
made.

SEC. 10. *Be it further enacted*, That for the purpose of insuring as near as possible the improvement of the main thoroughfares of all sections of Jackson County, it is hereby made the duty of the Good Roads Commissioners heretofore provided for to consider said county as separated into three (3) divisions, and to expend in the building and improvement of roads and bridges of each of these three

divisions not less than twenty-five (25) per cent of the proceeds of any bonds voted and sold under the provisions of this Act.

Said divisions shall each be composed of five (5) civil districts and made up as follows:

Division No. 1, of the First, Sixth, Eighth, Ninth, and Fifteenth Civil Districts; Division No. 2, of the Fifth, Seventh, Tenth, Eleventh, and Twelfth Civil Districts; and Division No. 3, of the Second, Third, Fourth, Thirteenth, and Fourteenth Civil Districts.

SEC. 11. *Be it further enacted*, That in case there is only one bid for any work to be let under contracts hereinbefore provided, said bid shall be accepted only upon the unanimous vote of said Commissioners; and, *provided, further*, that no Commissioner shall contract to build any roads or bridges under the provisions of this Act, nor shall he be directly or indirectly interested in any of such contracts, and violation of this provision shall make him ineligible to serve in such capacity and cause for his removal from office.

When only one bid.

SEC. 12. *Be it further enacted*, That said Good Roads Commissioners are hereby authorized to purchase any land for the purpose of establishing any road or of widening the same; and if they cannot agree as to terms and price to be paid for said land with the landowner, it then becomes their duty, and they are hereby vested with the power and authority, to institute and prosecute in the name of Jackson County condemnation proceedings, and condemn all such land as in their opinion is required for the purposes hereinabove set out, and such condemnation proceedings shall be had in accordance with the general laws now in force governing such cases.

May purchase or condemn land.

SEC. 13. *Be it further enacted*, That the proceeds of the bonds issued as hereinbefore provided shall be paid into the county treasury as a special fund to be kept separate and apart from all other accounts. The County Trustee shall give special bond for the fund, and shall pay the same out upon warrants issued by the Secretary of the Board of Good Roads Commissioners, countersigned by the Chairman of the County Court; *provided*, that the contractors shall be paid at definite periods fixed by the Board of Good Roads Commissioners or by the terms of contracts, but that twenty per cent of the total

proceeds of issue.

amount due any contractor shall be retained, as hereinbefore provided, until his work has been accepted by said Commissioners.

Tax levy and  
sinking  
fund.

SEC. 14. *Be it further enacted*, That it shall be the duty of the County Court of Jackson County, in the event of the issuance of bonds as hereinbefore provided, to include in its annual tax assessments of property and privileges taxable under the laws of the State a sufficient amount to meet the interest on said bonds; to create a sinking fund for the final liquidation of the bonded indebtedness in the order of the maturity of the bonds, and to maintain the roads and pikes constructed under the provisions of this Act; *provided*, that such tax levy shall not exceed 35 cents on the \$100 of taxable property in said county; and, *provided, further*, that the sinking fund thus created may be loaned or securely invested in the discretion of the County Court until said bonds are subject to call and payable.

SEC. 15. *Be it further enacted*, That the County Trustee shall collect and account for all the taxes levied under the provisions by this Act in the same manner as he is required to do with reference to other county taxes; shall keep a strict and accurate account of same separate from all other funds, and shall receive as compensation for collecting and accounting for same one-half of one per cent of the amount collected by him. Said Trustee shall give an additional bond, conditioned for the faithful and prompt collecting and accounting for this fund and in an amount designated by the County Court.

Another elec-  
tion may be  
held—when.

SEC. 16. *Be it further enacted*, That in the event of the failure of the proposition to issue bonds as herein provided, at the first election held hereunder, the Election Commissioners of Jackson County are hereby authorized and instructed to call another election upon the petition of two hundred of the voters of said county representing \$100,000 of taxable property; and in the event same shall carry, the County Court of said county shall carry into effect the provisions of this Act; *provided*, that no subsequent election shall be ordered or held hereunder until after the lapse of one year from the date of the previous election held under this Act.

SEC. 17. *Be it further enacted*, That the funds derived from the sale of the bonds provided for in this

it shall not be diverted or applied to any other purposes than those specified herein and the necessary expenses incidental to the enforcement of same.

**SEC. 18.** *Be it further enacted,* That this Act take effect on and after its passage, the public welfare requiring it.

Passed April 23, 1909.

WM. KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 26, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 297.

### SENATE BILL No. 562.

(By Mr. McRee.)

**BILL** to be entitled An Act to incorporate the town of Ridgely, in the county of Lake; to provide for the government of same; and to define the limits and powers of said town.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Ridgely, in the county of Lake, and the inhabitants thereof, within the boundaries hereinafter set out, be, and the same are hereby, incorporated and created and constituted a body politic and corporate under and by the name and style of the "Board of Mayor and Aldermen of the Town of Ridgely," and by that name may sue and be sued, plead and be impleaded in courts of law and equity; may use a common seal, and change the same at pleasure; may acquire property by purchase or otherwise, and sell, lease, or dispose of same; may contract and be contracted with; and do any and all acts for corporation purposes that a natural person might do.

**SEC. 2.** *Be it further enacted,* That the boundaries of said town of Ridgely shall be as follows:

Beginning at a post on the south side of the public road leading from Ridgely to Madie, Tenn.; running thence west 107 poles to a stake on the west side of the Dyersburg Northern Railroad right of way; thence south 18 degrees west with the west line of said right of way 78½ poles to a fence post, the corner of the mill lot; thence west 33 poles to a post, the northwest corner of said mill lot; thence south 16 poles to a small elm tree on the north side of the ditch; thence west 22 poles to a post in Algee's fence; thence south 26 poles to a large fence post in Foster's fence on the north side of the lane; thence east 90 poles to Foster's barn; thence south 14 poles to the corner of his orchard; thence east 9 2-3 poles, another corner of orchard; thence south 11½ poles to the corner of the gin lot; thence east 4 poles to the fence; thence south 63 poles to Foster and Wyatt's corner in Glasscock's north line; thence east 21 poles to a large fence post on the west side of the ditch; thence north 70 poles to a post near the corner of J. A. Sands' orchard; thence east 12 poles to the southeast corner of said orchard; thence north 14 poles to a stake; thence east 60 poles to a stake in the line between J. T. Foster and J. A. Sands; thence north 5 degrees west 127 poles to the beginning, containing 125 acres of land, more or less.

Annual elections.

SEC. 3. *Be it further enacted*, That on the first Tuesday in June of each year an election shall be opened and held at the customary voting place in said town for the purpose of electing a Mayor, six Aldermen, and a Town Marshal, who shall hold office for one year, and until their successors are elected and qualified; *provided*, that the Board of Mayor and Aldermen may by ordinance change the date and place for holding said annual election.

Qualifications of Aldermen.

SEC. 4. *Be it further enacted*, That no person shall be eligible to the office of Alderman unless he be the owner of a taxable freehold within said town, is a qualified voter in town elections as hereinafter defined, and has been a resident of said town for at least one year immediately preceding his election.

Qualifications of electors.

SEC. 5. *Be it further enacted*, That all persons who are entitled to vote for members of the General Assembly of the State and who have been bona fide residents of said town for six months prior to such election shall be entitled to vote in all town elections.



**SEC. 6.** *Be it further enacted,* That all elections for Mayor, Aldermen, and Marshal shall be called and held under the same rules and regulations governing the elections held by the State under the general election laws, and it shall be the duty of the County Commissioners of Elections to immediately canvass the election returns, and to deliver to each person elected a certificate of his election.

**SEC. 7.** *Be it further enacted,* That after the first election to be held under this Act the Mayor and Aldermen shall, on the first Tuesday after said election, meet, qualify, and organize, and shall then be vested with full power to legislate for and govern said town.

**SEC. 8.** *Be it further enacted,* That all officers of said town shall be elected by the Board of Mayor and Aldermen at the first regular meeting after said annual election, and among the officers to be so elected shall be a Recorder, Treasurer, and Tax Collector, but other officers or employees may be chosen and their duties prescribed whenever the Board shall deem it for the good of the town. The officers above mentioned shall hold office for one year, during good behavior, and until their successors shall be elected and qualified. The Board may combine any two or more of said offices by ordinance if deemed proper.

**SEC. 9.** *Be it further enacted,* That the Mayor and Aldermen and all town officers shall, before entering upon the discharge of their duties, take an oath before some one authorized to administer oaths to faithfully and honestly perform the duties of office, and without partiality, favor, or affection.

**SEC. 10.** *Be it further enacted,* That all officers of said town who shall handle any funds or money of the town shall, before undertaking to serve, enter into bonds, with good security, payable to the Board of Mayor and Aldermen, who shall fix the amounts thereof, the same not to be less than the total amount of moneys to come into the hands of said officers.

**SEC. 11.** *Be it further enacted,* That the Aldermen shall serve without compensation, and the Mayor, Marshal, and all other officers shall receive such compensation as the Board of Mayor and Aldermen shall allow, and all salaries shall be fixed by ordinance at least thirty days before each annual election after the year 1909, and the same shall not be increased or diminished during such terms of office.

General  
powers.

SEC. 12. *Be it further enacted*, That the legislative powers and all general powers shall be vested in the Board of Mayor and Aldermen (herein sometimes referred to as the Board). The Mayor shall be a member of the Board, and shall preside at all its meetings, and shall recommend to the Board at each meeting such measures as he shall consider for the good of the public. The Mayor may vote in case of a tie, but not otherwise.

Meetings.

SEC. 13. *Be it further enacted*, That the Board shall hold regular meetings on the first Tuesday of each month; *provided*, that a different date may be fixed for such meetings by ordinance. Special meetings may be called by the Mayor whenever he shall deem it necessary.

SEC. 14. *Be it further enacted*, That four members (the Mayor being considered a member) of the Board shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time.

Vacancies.

SEC. 15. *Be it further enacted*, That in case of the sickness or absence or death of the Mayor, the Recorder shall perform the duties of his office in his legislative, executive, and judicial capacity until the Board shall choose some other qualified person to fill the office of Mayor for the unexpired portion of his term. The Board shall also fill vacancies in the office of Aldermen and in all other offices, and the appointees of the Board shall serve until their successors are elected.

Removals for  
cause.

SEC. 16. *Be it further enacted*, That the Board shall appoint all other employees and agents necessary to execute the laws, such as Deputy Marshals, scavengers, etc., and may require reports from any and all officers and employees, and any officer of the town, except the Mayor, and including the Marshal, may be suspended or removed from office for misconduct or incompetency or inattention to duty in the discretion of the Board, but before such officer or employee is removed he shall be given a statement of the charges lodged against him, and be given an opportunity to answer the same.

Finances.

SEC. 17. *Be it further enacted*, That the Board shall have control of the finances of the town and all property and franchises of the same and power to

appropriate money out of its treasury for all proper corporation purposes, and to regulate all affairs of the town not herein specifically intrusted to some other authority.

SEC. 18. *Be it further enacted*, That any member of the Board, including the Mayor, may introduce resolutions or proposed ordinances or bills before the Board; that all general and permanent ordinances or laws shall be written or printed, and shall be read and passed on three different days, and shall receive on final passage the assent of a majority of the Board. All other resolutions, orders, etc., may be passed and adopted by a majority vote of the whole Board without the necessity of passing same on three readings, as above provided for ordinances; *provided, however*, that if the Mayor disapprove of any proposed ordinance, order, or resolution, he may veto the same, and in that event the measure cannot be again considered until the next regular meeting of the Board, when it may be passed notwithstanding the veto of the Mayor; *provided*, a majority of the Board shall vote in favor of same, only one meeting being required for said vote; that all votes taken by the Board shall be by ayes and nays, and the minutes shall show the vote, except when a measure shall pass unanimously.

Ordinances,  
resolutions,  
etc.

SEC. 19. *Be it further enacted*, That all ordinances shall be properly styled and numbered, and shall be recorded by the Recorder in a book to be called the "Ordinance Book" in the order in which they shall be passed; that a full and accurate record of the proceedings of the Board shall be kept by the Recorder in a well-bound book, to be known as the "Minutes;" that ordinances shall not be copied into the minutes, but reference shall be made on the minutes to the caption or title or the general nature of such ordinances, so as to identify the same.

"Ordinance  
Book" and  
minutes.

SEC. 20. *Be it further enacted*, That the Board shall have power to pass and adopt all laws, rules, regulations, and ordinances necessary and proper for carrying into effect the provisions of this Act and to secure the health, peace, and general welfare of the town, and to do any and all things legitimately incident to municipal government, and to this end the Board of Mayor and Aldermen shall have power by ordinance:

Legislative  
powers.

**Tax levy.**

1. To levy and collect taxes on all property, privileges, and polls within the corporate limits that are now or may hereafter be taxable under the laws of Tennessee.

2. To provide for the prevention and punishment of offenses against the person, public and private property, public decency, and morality, the public health, peace, justice, and public policy committed within said town, and to define such offenses.

**Fines.**

3. To impose maximum and minimum fines for the violation of the ordinances of the town, and to provide for the collection of fines and forfeitures.

4. To make quarantine regulations, establish pest-houses and hospitals, appoint health officers and guards; to require property owners, lessees, or their agents to keep their premises clean.

5. To declare what are nuisances, and to prevent same or provide for the removal of the same.

6. To regulate, restrain, or prohibit cattle, hogs, horses, and other animals and fowls from running at large within said town; to authorize the summary sale or other disposition of same, and to prevent the raising or keeping of hogs within the town.

7. To establish and regulate markets, and to provide for the inspection of meats, provisions, and petroleum.

**Fires.**

8. To provide for the inspection and regulation of buildings, walls, chimneys, flues, stoves, pipes, to the end that danger from fire may be prevented.

9. To establish fire limits, and to make and enforce regulations for the prevention and extinguishment of fires; to establish and equip a fire company; to regulate the keeping and storage of explosives and combustible material; to regulate or prohibit the sale and use of fireworks, toy guns, etc.

10. To provide for the digging of wells, planting of trees, the erection of a calaboose, or other public buildings, laying out of commons, parks, cemeteries; the acquiring of cities for cemeteries, either in or out of the corporate limits.

**Streets.**

11. To open, establish, widen, extend, alter, abolish, grade, pave, macadamize, and keep in repair all streets, alleys, thoroughfares, commons, squares, etc.; to dig ditches and drains, construct sewers, culverts, bridges, crossings, sidewalks, etc., and keep same in repair.

12. To compel property owners to build sidewalks and foot pavements at their own expense, and keep same in repair, if deemed expedient. In the event his method of building pavements is adopted, a lien shall exist on the land abutting on and along said pavements, to secure the amount of the cost of constructing such pavements; and to provide for the enforcement of such lien; and to fix a penalty for failure to build such pavements.

13. To make contracts with persons, companies, or corporations for furnishing the town and its inhabitants with water and lights, and to fix reasonable rates and charges for such water and lights. Lights.

14. To grant franchises and rights of way over the streets, alleys, thoroughfares, and public property for the electric lights, gas pipes, telegraphs, telephones, steam and electric roads, etc., and for such other kindred purposes as the Board may deem proper; *provided*, that no municipal franchise shall be granted to any person, company, or corporation for a period of more than twenty years.

15. To declare the calaboose a workhouse or to establish a workhouse, and to make regulations for the working of persons convicted of violating ordinances of the town in said workhouse or upon the streets and public works until the fine assessed against such convicts shall have been paid. Workhouse.

16. To take care of and make proper disposition of lunatic and indigent persons within the town.

Sec. 21. *Be it further enacted*, That the Mayor shall be the chief executive officer of the town; he shall see to the enforcement of all the ordinances of the town; he shall see that the officers and employees of the town perform their duties, and shall examine their books and require reports from them from time to time; he may make pro tempore appointments in case any ministerial officer shall be prevented from attending to his duties by reason of sickness, absence, death, or other disability, such appointments to remain in effect until the Board shall act on the same; he shall have power to suspend any ministerial officer for misconduct or dereliction of duty, reporting his action at once to the Board, which may take whatever action it may deem necessary in regard to the matter; he shall sign all warrants drawn on the treasury of the town and all contracts Duties of Mayor.

and obligations authorized by the Board, and no warrant or contract not so signed shall be valid; he shall sign the minutes and see that they are properly kept; he shall be Chairman ex officio of the Committee on Streets or Public Works, and it shall be his duty to see that all thoroughfares, drains, and public utilities are kept in proper order and repair; shall see to the preservation of the peace and health of the town, and in case of emergency he shall have power to call to his aid every male inhabitant for the maintenance of the peace or enforcement of the laws of the town, and a failure to obey such order shall subject the one so failing or refusing to a fine of from one to fifty dollars. The Board may impose other duties and powers on the Mayor in addition to those mentioned if it shall deem it necessary.

SEC. 22. *Be it further enacted*, That the Recorder shall be ex officio vice Mayor, and shall perform all the duties of the Mayor in case of his absence, disability, or death, and until a successor shall be elected by the Board. When the office of Mayor shall become vacant for any cause, the Board shall elect some qualified citizen of the town to serve until the next regular election.

Duties of  
Recorder.

SEC. 23. *Be it further enacted*, That it shall be the duty of the Recorder to make out the tax books of the town, collect privilege taxes, keep a full and accurate account of the proceedings of the Board, preserve the records and papers and public seal, and to perform such other duties as may be imposed upon him by the Board.

Duties of  
Treasurer  
and  
Collector.

SEC. 24. *Be it further enacted*, That it shall be the duty of the Treasurer to receive and receipt for all moneys due the town, pay out the same on warrants properly drawn on him, and to perform any and all duties pertaining to his office which shall be required by ordinance, and that unless otherwise provided by ordinance, the Tax Collector shall perform the duties of Treasurer.

SEC. 25. *Be it further enacted*, That the Tax Collector (or Treasurer and Collector) shall collect and pay out as hereinbefore provided all public moneys upon proper vouchers, and shall settle and file with the Mayor his accounts at least twice each year.

**SEC. 26.** *Be it further enacted,* That the Town Marshal shall be chief peace officer of the town; shall be vested with all the powers of a Constable; shall arrest all violators of the town ordinances and regulations, and of the laws of the State, and take them before the Mayor for trial; shall act as night watchman; shall act as street foreman, and have supervision of work on streets, crossings, drains, walks, and other public work under the supervision of the Mayor and Street Committee, and carry out all proper orders of the latter; and shall perform such other duties as the Board may require of him.

Duties and  
powers of  
Town  
Marshal.

**SEC. 27.** *Be it further enacted,* That a court is hereby established to be known as the "Mayor's Court," which shall have concurrent jurisdiction with Justices of the Peace in all cases of violation of the criminal laws of the State. The Mayor shall preside over said court, and shall have power to try all offenses created by this Act or which may be created by ordinance; to impose fines, penalties, and forfeitures, and enforce the collection of same by execution or otherwise; to commit to the calaboose, workhouse, or to work on streets all convicts who make default in payment of fines and costs; to issue warrants of arrest, subpoenas for witnesses, and other process incident to the office; to make rules and to punish for contempt.

Mayor's Court.

**SEC. 28.** *Be it further enacted,* That the Mayor shall keep a docket of cases, and shall enter therein all fines and costs collected and imposed; that said fine and costs shall be paid to the Mayor, who shall pay to the officer and witnesses their costs, and account to the Board for the revenue thus accruing to the town.

**SEC. 29.** *Be it further enacted,* That the fees of Mayor, officer, and witnesses shall be as fixed by ordinance, but until so fixed shall be the same as allowed to Justices of the Peace, Constables, and witnesses under State law for similar services.

**SEC. 30.** *Be it further enacted,* That in all cases in which a person is convicted of a violation of an ordinance before the Mayor, such convict shall have the right to stay execution for ten days by giving good security for fine and costs, and may then be released from custody, and the accused in such cases may appeal to the next term of the Circuit Court of Lake

County from the judgment of the Mayor, where the cause shall be tried *de novo*; *provided*, he shall perfect his appeal within two whole days (Sunday excepted) by making bond in the sum of \$100.

Police  
jurisdiction.

SEC. 31. *Be it further enacted*, That the police jurisdiction of said Mayor's Court shall extend to a distance of one mile from the corporate limits of the town for the purpose of abating nuisances, keeping the peace, preserving order and health, and suppressing all disorderly acts and practices forbidden by the laws of the State.

SEC. 32. *Be it further enacted*, That each and every act which is made a misdemeanor under the laws of Tennessee and every offense thereunder below the grade of felony is hereby made an offense against the laws of the town of Ridgely, and shall be punishable by a fine of from one to fifty dollars; *provided*, that this section may be superseded by specific ordinances should the Board deem it proper.

Taxes.

SEC. 33. *Be it further enacted*, That the Board of Mayor and Aldermen shall have power to levy and collect taxes for corporation purposes upon all property, privileges, and polls which are taxable under the laws of Tennessee within the limits and jurisdiction of said town; *provided*, that the assessment for the town shall not exceed the State and county assessment on the same property, and the town tax rate shall not exceed one per cent of the total assessment for the year in which the assessment is made.

SEC. 34. *Be it further enacted*, That as early as practicable after the Equalization Board of Lake County shall have adjourned each year the Recorder shall make a transcript of the tax assessment from the county tax books so far as the same applies to property, privileges, and polls within the cognizance and jurisdiction of the town, and said transcript, being made on the usual forms, shall constitute the assessment of valuations for taxes for said town; *provided*, that if the Board is dissatisfied with said assessment, it may resolve itself into a Board of Equalization and lower said assessments in order to equalize the same.

SEC. 35. *Be it further enacted*, That after the assessment is completed, the Board shall make an estimate of the amount of money needed to cover the expenses of the town for the ensuing year, and shall



then make the proper levy, and thereupon the Recorder shall make up the tax books as county tax books are kept, and shall receive such compensation as the Board may allow.

SEC. 36. *Be it further enacted*, That said taxes shall become due and delinquent on the same dates as State and county taxes are, and delinquents shall be subject to the same penalties and costs as fixed by State law, and that delinquent taxes may be collected in the same manner as State and county taxes are collected, so far as they are analogous. Delinquent taxes.

SEC. 37. *Be it further enacted*, That as soon as practicable after taxes become delinquent, the Tax Collector shall prepare a list of delinquent taxpayers, specifying the amount of taxes due on polls, personal property, and real property due from each duly certified to, and shall deliver the same into the hands of the Marshal or some Constable or other person designated by the Board for that purpose, which list shall have in the hands of such officer the same force and effect as an execution from a court of record and the same force as county tax books in the hands of an officer. Such officer shall make due return of all taxes and tax lists, showing those who have paid and those who have not paid taxes, and certifying that no personal property was to be found out of which to make said taxes.

SEC. 38. *Be it further enacted*, That all taxes due upon real estate are hereby declared a lien thereon until paid, or for period of ten years after the same become due, and this lien may be enforced as now provided by law, or in such other manner as the Board may fix by ordinance. Lien for taxes.

SEC. 39. *Be it further enacted*, That the Board of Mayor and Aldermen shall annually elect a Board of Education, consisting of three members, who shall be qualified citizens of the town, who shall hold office for one year and until their successors are elected and qualified. Board of Education.

SEC. 40. *Be it further enacted*, That said Board of Education shall have power to manage and control the schools of the town, employ and dismiss teachers, make regulations for said schools and the teachers hereof, make contracts of consolidation with other school authorities, buy and sell school property and convey same by deed and build and repair school- Powers.

houses, and do any and all other acts necessary and usually incident to the management of schools.

School tax.

SEC. 41. *Be it further enacted*, That the Board of Mayor and Aldermen shall have power to levy a school tax necessary to support said schools, and the funds arising from such tax shall be kept separate and apart from all other corporate funds in the hands of the Treasurer of the town, and the Board of Education shall have power to draw on said school fund for all expenses of maintaining said schools and school property by warrant, signed by the Chairman and Secretary of the Board; *provided, however*, that the total levy of taxes, including school tax, shall not exceed \$1 on the \$100, unless an election shall be called and held for the special purpose of voting on a school tax; and if the people shall vote in favor of the same, an additional tax not exceeding 25 cents on the \$100 worth of taxable property may be levied.

May purchase  
or condemn  
property.

SEC. 42. *Be it further enacted*, That the Board of Mayor and Aldermen shall have power to acquire private property for the purpose of establishing, opening, widening, or extending streets, alleys, and thoroughfares; for sites for town hall and calaboose, and for rights of way for drains, sewers, gas or water pipes, and other corporation purposes; and that when the owner of such property shall refuse to donate or sell the same at a price satisfactory to the Board, the later shall have the right to condemn and take the same for public use whenever in the opinion of the Board the public welfare shall require it.

Application for  
streets,  
alleys, etc.

SEC. 43. *Be it further enacted*, That in such cases application shall be made to the Board by printed or written petition, signed by six or more freeholders of the town, which petition shall designate the location of such street, alley, lot, or right of way sought to be taken and used; the purpose for which the same is sought to be used; the names of the owners of the property, and the interest of each in the portion to be condemned; and that said property owners (if residents of the State) or their agents (if they be absent at the time of condemnation or non-residents of the State) shall be given five days' notice of the filing of such petition prior to the action of the Board on same. If the Board shall decide in favor of said application, at least three disinter-

asted freeholders shall be appointed by the Board, who, after being duly sworn to act impartially, shall examine the premises, assess the damages to each property owner, and shall report their action in writing to the Board, designating by metes and bounds or other sufficient description the property condemned; and said report, if approved by the Board, shall be spread in full upon the minutes, and an order shall be made appropriating sufficient money out of the treasury to pay the damages allowed.

SEC. 44. *Be it further enacted*, That after said report shall have been confirmed and damages allowed and appropriation made therefor, each and every of such property owners who shall fail or refuse to open or allow to be opened said land for the purposes mentioned shall be subject to a fine of \$5 for each and every day of his refusal or failure, which fine may be recovered before the Mayor's Court.

SEC. 45. *Be it further enacted*, That any person aggrieved by such order of condemnation or to the assessment of fine as aforesaid may appeal to the Circuit Court of Lake County by making the necessary appeal bond within ten days after such order of the Board or action of the Mayor.

When persons  
are  
aggrieved.

SEC. 46. *Be it further enacted*, That territory adjoining the town of Ridgely may be added to and included within the corporate limits of the same in the following manner: Petition shall be made in writing to the Board of Mayor and Aldermen, signed by a majority of the residents of the strip of territory sought to be made a part of the town, and describing the territory sought to be added by metes and bounds. Only persons who have been bona fide residents of the proposed addition for thirty days and qualified voters for members of the General Assembly shall have a right to sign said petition, unless there be no residents of the proposed addition, in which event the petition may be signed by a majority of the persons owning property within the same.

Corporate  
limits ex-  
tended—  
how.

SEC. 47. *Be it further enacted*, That the Board, if it favor the addition of such territory as prayed for, shall pass an ordinance declaring such territory to be a part of the municipality, and thenceforth it shall remain a part thereof, subject in all respects to the laws and jurisdiction of the town.

SEC. 48. *Be it further enacted*, That all persons dealing with the corporation organized under this Act shall be put upon inquiry, and in all cases the burden of proof shall be upon them to show that the law has been pursued as to its powers, and every act, contract, or agreement ultra vires shall be null and void.

SEC. 49. *Be it further enacted*, That all property, whether real or personal, held or owned by the town, and all funds in the hands of the Treasurer or any other person shall be exempt from seizure, garnishment, attachment, execution, or other legal process; nor shall there be any priority by pledge, mortgage, or otherwise of said property or taxes given to creditors.

Warrants—  
how signed.

SEC. 50. *Be it further enacted*, That no money shall be paid out of the town treasury except upon warrant signed by the Mayor and countersigned by the Recorder pursuant to authority theretofore granted by the Board in open session; *provided*, that the Mayor shall have the right to draw his own warrant for pay rolls and street work up to a certain limit fixed by the Board from time to time, and, *provided*, that the Board of Education shall draw warrants on the school fund.

SEC. 51. *Be it further enacted*, That no member of the Board nor any officer shall be interested in any contract of any kind under his control or direction, and any contract in which any such person shall have a pecuniary interest or expectation of profit shall be void.

SEC. 52. *Be it further enacted*, That no order or ordinance of the Board involving the expenditure of money or the creation of a debt against the corporation shall be made unless there be money actually in the treasury at the time or the same be within the amount of the current year's taxes.

SEC. 53. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed April 24, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 298.

### SENATE BILL No. 574.

(By Messrs. McKay and Kelly.)

AN ACT to be entitled An Act to amend an Act entitled "A Bill to establish the Taxing Districts in this State, and to provide means of local government for the same," being Chapter 11, of the Acts of 1879, and all amendatory Acts thereof, constituting the present charter of the city of Memphis, so as: (1) To change the name of the Board of Fire and Police Commissioners to the "Board of Commissioners of the City of Memphis;" and to provide for the qualification, election of the members of the same, and to provide for the membership of the said Commission upon the taking effect of this Act. (2) To abolish the Board of Public Works, and to provide for the exercise and discharge of the powers and duties heretofore vested in and devolved upon that Board by the said Board of Commissioners. (3) To more fully set out and define the powers and duties of said Board of Commissioners. (4) To more fully set out and define the powers and duties of the several members of the said Board of Commissioners; to fix their term of office and their compensation. (5) To separate the affairs of the city into various departments, to provide the scope and work of each department, and to provide for the heads thereof. (6) To create the office of Electric Inspector; and to define his duties, term of office, and compensation; and to change the name of City Register to "City Clerk." (7) To abolish the Board of Health as now constituted, and to provide for the exercise and discharge of the powers and duties heretofore vested in and devolved upon that Board by the Department of Health under the said Board of Commissioners. (8) To provide for the nomination and election by said Board of Commissioners of a Chief of the Police Department, a Chief of the Fire Department, a Superintendent of the Health Department, a City Attorney, a City Judge, a City Clerk, a Clerk

of the City Court, a City Engineer, a City Marketmaster, a City Paymaster, a City Chemist, a City Harnessmaker, a Building Inspector, a Plumbing Inspector, a Boiler Inspector, a Gas and Electric Light Inspector, an Electric Inspector, a Medical Inspector, an Inspector of Weights and Measures, a Collector of License and Privilege Taxes, a Veterinary Surgeon, a Wharfmaster, a Superintendent of the City Hospital, and for the appointment and removal of subordinate officers and employees, and to prescribe the term of office and compensation of the incumbent of said elective offices. (9) To provide for the filling of vacancies occurring in the Commission or in any municipal office, and for the conduct of said office whenever the regular incumbent thereof is temporarily absent or disabled. (10) To change the time for the meeting of the Board of Commissioners, and to provide for special or called meetings. (11) To prescribe the method of the passage of all ordinances and resolutions. (12) To abolish the office of Street Commissioners as now constituted. (13) To provide for the granting of franchises and the issuing of bonds, and a referendum as to all ordinances granting franchises or authorizing a bond issue under certain restrictions. (14) To provide for the making and execution of all municipal contracts. (15) To provide for a Civil Service Commission, and for the adoption and enforcement of a system of civil-service rules. (16) To limit appeals from the City Court, and to prescribe for the remission of fines in certain cases. (17) To make it lawful to expend in any one year a greater amount of money in any department than shall have been appropriated for that department; *provided*, such excess can be made up from a surplus in any other department or departments, and the same to be authorized by ordinance duly passed. (18) To change the manner of selecting an Assistant City Attorney; to fix his compensation and prescribe his duties, and to provide for his removal. (19) To provide for uniformity in the time for the expiration of the terms of office of all municipal officers elected by the people, so as to make said term expire on December 31, 1911, and every four years thereafter.

"Memphis  
Charter Bill."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act entitled "A Bill to establish taxing districts in the State, and to provide the means of local government for the same," being Chapter 11 of the Acts of 1879 and all Acts amendatory thereof constituting the present charter of the city of Memphis be, and the same are hereby, amended in the manner and particulars and to the extent hereinafter provided.

Board of Com-  
missioners.

SEC. 2. *Be it further enacted*, That the name of the "Board of Fire and Police Commissioners" be, and the same is, changed to the "Board of Commissioners of the City of Memphis." Said Board shall consist as at present of five members, one of whom shall be the Mayor. The first Board hereunder shall consist of the four members of the present Legislative Council of the city of Memphis, whose terms expire in November, 1911, and of a Mayor, who shall

be elected by the people of the city of Memphis on the first Thursday after the first Monday in November, 1909. The qualifications of said Mayor and of the members of said Board of Commissioners shall be those now required by law for the members of the present Legislative Council, and the Mayor shall have the additional qualifications now provided by law for said office; *provided, however*, that no person shall be ineligible to said office because of having heretofore held said office.

SEC. 3. *Be it further enacted*, That the said Board of Commissioners shall have and exercise all of the powers and discharge all duties now vested in and imposed upon the present Board of Fire and Police Commissioners, the present Board of Public Works, and the present Legislative Council, together with each other powers and duties as are hereinafter prescribed.

SEC. 4. *Be it further enacted*, That the Board of Public Works is hereby abolished, and the powers and duties now vested in and imposed upon said board and the several members thereof by law are hereby vested in and imposed upon the said Board of Commissioners and the several members thereof as herein provided.

SEC. 5. *Be it further enacted*, That the Board of Health as at present constituted is hereby abolished, and in lieu thereof is established a subordinate department to be known as the "Health Department," to be under the supervision and control of the Department of Public Affairs, which said department shall perform the duties and functions heretofore performed by the Board of Health.

SEC. 6. *Be it further enacted*, That the term of office of the Mayor to be elected under this Act in November, 1909, shall expire December 31, 1911, and the term of office of the Mayor thereafter shall be four years, and, to the end that uniformity may prevail, the term of office of the other four Commissioners composing the first Board of Commissioners hereunder is hereby extended to and including December, 31, 1911. The term of office of all Commissioners thereafter shall be four years. All of said Commissioners, including the Mayor, shall hold office until their respective successors are elected and qualified.

Term of Mayor  
and Commis-  
sioners.

Compensation  
of Mayor and  
Commissioners.

SEC. 7. *Be it further enacted*, That the compensation of the Mayor shall be six thousand dollars (\$6,000) per annum, payable in monthly installments, and that of the other members of said Board of Commissioners shall be three thousand dollars (\$3,000) per annum, payable in monthly installments. No member of said Board of Commissioners shall, directly or indirectly, receive any other or greater compensation than that just provided.

Classification  
of Departments.

SEC. 8. *Be it further enacted*, That to the end that the work of the city government may be classified and arranged and more efficiently conducted, there is now established the following departments, with the duties and powers, and made up as hereinafter indicated—viz.:

1. The Department of Public Affairs and Health.
2. The Department of Fire and Police.
3. The Department of Streets, Bridges, and Sewers.
4. The Department of Accounts, Finances, and Revenues.
5. The Department of Public Utilities, Grounds, and Buildings.

Officers—term  
and compensation.

SEC. 9. *Be it further enacted*, That at the first meeting of the said Board of Commissioners or at some meeting within thirty days thereafter there shall be elected by said Board the following officers, whose terms of office and whose annual compensation (payable in monthly installments) shall be as herein indicated, as follows:

- City Attorney, two years, \$3,600.
- City Judge, two years, \$2,500.
- City Engineer, two years, \$3,000.
- City Clerk, two years, \$3,000.
- Chief of Police, one year, \$2,700.
- Chief of Fire Department, one year, \$2,700.
- City Paymaster, two years, \$2,000.
- City Chemist, one year, \$2,400.
- Superintendent of Health Department, two years, \$3,000.
- Clerk of City Court, one year, \$1,800.
- City Plumbing Inspector, one year, \$1,500.
- City Meat Inspector, one year, \$1,500.
- City Boiler Inspector, one year, \$1,680.
- Collector of License and Privilege Taxes, one year, \$1,500.



**Wharfmaster, one year, \$1,500.**

**Marketmaster, one year, \$1,200.**

**City Veterinary Surgeon, one year, \$1,200.**

**Gas and Electric Light Inspector, one year, \$1,500.**

**City Harnessmaker, one year, \$1,200.**

**Inspector of Weights and Measures, one year, \$1,000.**

**Superintendent of City Hospital, one year, \$1,500.**

**Electric Inspector, one year, \$2,000.**

**Building Inspector, one year, \$2,500.**

*Provided*, that none of the said officers shall be paid or shall receive, directly or indirectly, any further or greater compensation than that above described; and, *provided, further, however*, that the Board of Commissioners by proper ordinance may increase the salary of the City Engineer to a sum not to exceed five thousand dollars (\$5,000) per annum.

**SEC. 10.** *Be it further enacted*, That no Commissioner or officer herein named shall demand or receive in any manner or form any greater compensation than provided for herein, and that it shall be a felony for a Mayor, any Commissioner of the city of Memphis, any Park or Water Department Commissioner, any Civil Service Commissioner, any elective, appointee, or subordinate officer, any employee, or any one connected with the government of the city of Memphis in any manner to accept any moneys or gifts of any character whatever other than that stipulated for performing the duties of their office. For any violation of the above and conviction thereof he shall be guilty of a felony and imprisoned in the State penitentiary for not less than one year nor more than five years.

**SEC. 11.** *Be it further enacted*, That the Mayor shall be at the head and have charge of the Department of Public Affairs and Health; within the scope of this department shall be the general supervisor of all the affairs of the municipality; the office of the City Attorney, and matters pertaining thereto; the offices of City Judge and City Court Clerks, and all matters pertaining thereto; the office of the City Clerk, and matters pertaining thereto; the office of Superintendent of the Health Department, and matters pertaining thereto, including the City Hospital, the Veterinary Surgeon, and all matters properly pertaining to said departments; the office of the City

Jurisdiction  
and duties of  
Mayor.

Paymaster, and matters pertaining thereto; the receiving and filing of all reports of heads of other departments and reports from the Mayor as to his department, and to the general condition of the city with respect to all matters affecting the welfare of the municipality and its citizens. It shall be the duty of the Mayor, as the head of this department, to keep the Board of Commissioners from time to time advised as to all matters affecting the general welfare of the city. It shall also be the duty of the Mayor to preside at all meetings of the Board of Commissioners and to appoint such committees as may be provided for by ordinance or resolution of the Board.

Department of Fire and Police—scope of. SEC. 12. *Be it further enacted*, That the Department of Fire and Police shall embrace the Fire Department and the Police Department, and all matters pertaining to such departments.

Department of Streets, Bridges, and Sewers—scope of. SEC. 13. *Be it further enacted*, That the Department of Streets, Bridges, and Sewers shall embrace everything heretofore embraced in the Engineer Department, including bridges, streets, sewers, subways, sidewalks, viaducts, or new work connected therewith of every character, graveling, repair work of all kinds, city carpentering, also street sprinkling and cleaning, together with the stables, horses, mules, wagons, and equipment connected with said work, and also matters heretofore under the supervision of the Plumbing Inspector and Harnessmaker.

Department of Accounts, Finance, and Revenue—scope of. SEC. 14. *Be it further enacted*, That the Department of Accounts, Finance, and Revenue shall embrace all matters relating to the city finance and revenue; the auditing of all bills in every department, whether for purchasing, pay rolls, or otherwise; the supervision and auditing of books and accounts of every department of the city, together with the supervision of matters relating to front-foot assessments; within this department shall also be embraced the Inspector of Weights and Measures, and the Collector of License and Privilege Taxes, and all matters connected with this office.

Department of Public Utilities, Grounds and Buildings—scope of. SEC. 15. *Be it further enacted*, That the Department of Public Utilities, Grounds, and Buildings shall embrace all the affairs of the city connected with railroads, street car lines, gas and electric-light companies, telephone and telegraph companies, Wa-

ter Department, wharfage and Wharfmaster, market house and Marketmaster. Within this department shall also be embraced the Building Inspector, the Gas and Electric Light Inspector, the Boiler Inspector and the Electric Inspector, and all matters connected with those offices. This department shall also embrace all public grounds and buildings and public parks; *provided, however, that nothing in this Act shall be deemed to affect the power and duties of the Park Commissioners of Memphis as the same are now prescribed by law, or the Water Commission.*

SEC. 16. *Be it further enacted*, That whenever a difference of opinion shall arise as to what department embraces a particular work or matter, either because the same is not herein specially provided for or because of the difference of opinion as to the proper construction of the foregoing sections, the question shall be determined by the Board of Commissioners in regular session, and their conclusion shall be final and binding.

Questions of  
jurisdiction—  
how settled.

SEC. 17. *Be it further enacted*, That at the first meeting of a Board of Commissioners hereunder, or within thirty days thereafter, the said Board of Commissioners shall assign one of its members, not the Mayor, to each of the four departments last above mentioned, and the said four Commissioners shall thereafter be known and designated, respectively, as a Commissioner of the Department of Fire and Police; the Commissioner of the Department of Streets, Bridges, and Sewers; the Commissioner of the Department of Accounts, Finance, and Revenue; the Commissioner of the Department of Public Utilities, Grounds, and Buildings. The Board of Commissioners, however, shall have the power by a majority of vote at any time to change any or all of the Commissioners, except the Mayor, from one department to another, such change to be made operative by resolution duly passed by said Board, such resolution to fix the time when it shall take effect and to take effect at the time as fixed.

Assignment of  
Commissioners.

SEC. 18. *Be it further enacted*, That upon any vacancy occurring in the Board of Commissioners by a death, resignation, removal, or otherwise, then the remaining four Commissioners shall have the power by majority of vote to elect a Commissioner to fill

Vacancies.

such vacancy, who shall hold office for the unexpired term. Pending such election, the Mayor (or if the vacancy be in the office of the Mayor) then the Commissioner of Department of Fire and Police shall assume and have charge of the department over which the Commissioner whose office has been vacated has charge; *provided*, that in the event in such an election by the Commission there shall be a tie vote on the question of the election of said Commissioner, then the Mayor shall have the right to cast both his own and the vote of the Commissioner of the office so vacated.

Meetings of  
Board.

SEC. 19. *Be it further enacted*, That the Board of Commissioners shall hold a regular meeting every Tuesday at 2:30 o'clock in the afternoon, and may hold such special meetings as may be called by the Mayor or any two of the other Commissioners.

If the business of any regular or special meeting be not concluded on the day when the same convenes, the Board may adjourn such meeting to any subsequent day of that week. All meetings of the Board shall be public, and shall be held at the place provided for such meetings, and said place cannot be changed, except by ordinance.

Officers not to  
be interested  
in contracts  
with city.

SEC. 20. *Be it further enacted*, That no Commissioner nor any officer nor subordinate officer of the city shall be connected with or interested in, directly or indirectly, any contract with the city, nor shall any Commissioner of the city receive any compensation other than that herein specially provided, nor shall extra pay be allowed or received by any Commissioner or officer by the city serving on a committee, agency, or commission whatever when appointed to such service by the Commissioner during his term of office; *provided, however*, that whenever the duties of any Commissioner shall require him to visit a point beyond the limits of Shelby County, his reasonable expenses shall be paid by the city.

Nomination of  
officers.

SEC. 21. *Be it further enacted*, That every officer for whose election by the Board of Commissioners provision is herein made shall first be nominated by the Commissioner to whose department such officer belongs, and no such officer shall be elected by the Board except on such nomination; *provided, however*, that if the Commissioner whose duty and function it is to nominate any officer shall fail with-

in thirty days to make a nomination, then any member of said Board shall have the right to make a nomination or nominations, and the Board may thereupon elect the person so nominated.

SEC. 22. *Be it further enacted*, That the Commissioners of the city of Memphis shall fix the amount of bonds and the method of their approval to be required of all elective, appointive, or subordinate officers, and such other city employees whom the Commissioners of the city of Memphis shall require to give bond. The approval of the official bonds of all elective, appointive, or subordinate officers and other employees must be indorsed thereon and signed by the Commissioners of the city of Memphis, and shall be given and made by some good and solvent surety company. All bonds when approved shall be filed with the Clerk of the city of Memphis; all provisions of any law of this State relating to official bonds, not inconsistent with this charter, shall be complied with. Bonds of officers.

SEC. 23. *Be it further enacted*, That no Commissioner or officer of the city shall during the term for which he is elected be appointed to or accept any other office under the city government or become an officer or employee (with or without pay) of the State or county in any capacity whatever; *provided, however*, that nothing in this section shall be construed to affect the office of County Trustee of Shelby County, who is now by law the receiver of taxes for the city. May accept no other office.

SEC. 24. *Be it further enacted*, That in the event of the absence from the city or of the death, resignation, or removal of the Mayor or of his inability to act, the Commissioner of the Fire and Police shall have and exercise all the powers and duties of the Mayor, and in the event of the absence of the Mayor from any meeting of the Board, such Commissioner shall preside in his place, and it shall not be lawful for either the Mayor or the Commissioner of Fire and Police to absent himself from the city while the other is absent or disabled from attending to the duties of his office. Vacancies.

SEC. 25. *Be it further enacted*, That in the event of the death, resignation, or removal of any officer of this city other than a member of the Board of Commissioners, it shall be the right and duty of the

Board of Commissioners to elect as soon as practicable a successor to fill the vacancy; and if no election be had within thirty days after such vacancy occurs, the Mayor shall have the right, and it shall be his duty, to appoint some fit person to fill such vacancy until an election by the Board shall occur. The election by said Board to fill such vacancy shall be on nomination by the Commissioner of the department to which such officer belongs. In the event of the temporary absence or disability of any officer other than a member of the Board of Commissioners, the Board shall, if a majority of the members thereof see fit, have the power to appoint some proper person to act in the place and stead of such officer during his absence or disability and to provide for the compensation of such person temporarily discharging the duties of said officer; *provided, however*, that there shall be no deduction from the salary of the regular incumbent of said office during such absence or disability unless the Board shall by resolution declare the absence from office of such incumbent to be without excuse.

Civil Service  
Commissioners—  
terms, com-  
pensation,  
qualifica-  
tions.

SEC. 26. *Be it further enacted*, That within ninety days after organizing the Commissioners of the city of Memphis shall by ordinance appoint three Civil Service Commissioners, who shall hold office—one until January 1, 1911; one until January 1, 1912; and one until January 1, 1913. Upon the expiration of these respective terms, successors shall be elected to hold office for three years from the date of the election and until his successor is elected and qualified. Each of these Civil Service Commissioners shall receive an annual salary of \$300, payable monthly. The Chairman of the Commission for each annual period shall be the member whose term first expires. No person on said Commission shall hold or be a candidate for any office or public trust or profit, or who is in arrears for taxes, or who is not a freeholder, and who has not resided in the city of Memphis, State of Tennessee, for at least six years next preceding his election; two of said members shall constitute a quorum to transact business. The Commission [Commissioners] of the city of Memphis may remove any of said Commissioners during their term of office for cause, four of the Commissioners of the city of Memphis voting in favor of such removal,

Removal for  
cause.

and shall fill any vacancy that may occur in said Commission for the unexpired term. The Commissioners of the city of Memphis shall provide suitable rooms in which the said Civil Service Commissioners may hold its meetings. They shall have a Clerk, who shall be elected by the Commissioners of the city of Memphis, who shall fix his compensation and term of office. Said Clerk shall keep a record of all meetings of said Civil Service Commission, and do all necessary clerical work to carry out the rules and regulations of the said Commission. The Commissioners of the city of Memphis shall supply the said Civil Service Commission with all the necessary equipment to properly attend to such business.

Clerk of Commission.

SEC. 27. *Be it further enacted*, That before entering upon the duties of their office, each of said Civil Service Commissioners shall take and subscribe an oath, which shall be filed and kept in the office of the Clerk of the city of Memphis, to support the Constitution of the United States and of the State of Tennessee, and to obey the laws and ordinances of the city of Memphis, and to aim to secure and maintain an honest and efficient force free from partisan distinction or control, and to perform the duties of his office to the best of his ability.

Oath of Civil Service Commissioners.

SEC. 28. *Be it further enacted*, That said Commissioners shall on the first Monday in April and October of each year or oftener if it shall be deemed necessary, under such rules and regulations as may be prescribed by the Commissioners of the city of Memphis, hold examinations for the purpose of determining the qualifications of applicant for positions, which examination shall be practical, and shall fairly test the fitness of the persons examined to discharge the duties of the position to which they seek to be appointed. Said Commission shall as soon as possible after such examination certify to the Commissioners of the city of Memphis double the number of persons necessary to fill vacancies, who, according to its records, have the highest standing for the positions they seek to fill as a result of such examinations, and all vacancies which occur that come under the civil-service rule prior to the date of the next regular examination shall be filled from said lists so certified; *provided, however*, that should the list for any cause be reduced to less than three for

To hold examinations.

To certify list to Commissioners.

any division, then the Commissioners of the city of Memphis or the Commissioner in charge of that department may temporarily fill a vacancy, but not to exceed thirty days.

Removal for  
cause.

SEC. 29. *Be it further enacted*, That all persons subject to such civil-service examinations shall be subject to removal from office or employment by the Commissioners of the city of Memphis or the Commissioner in charge of that department for misconduct or failure to perform their duty under such rules and regulations as it may adopt; and the Chief of Police Department, Chief of the Fire Department, Superintendent of the Health Department, or any Superintendent or foreman in charge of municipal work may peremptorily suspend or discharge any subordinate then under his direction for neglect of duty or disobedience of his orders; but shall within twenty-four hours thereafter report in writing such suspension or discharge and a reason therefor to the Commissioner in charge of his department, who shall thereupon affirm or revoke such discharge or suspension according to the facts.

Appeals.

Such employee (or officer discharging or suspending him) may within five days of such ruling appeal therefrom to the Commissioners of the city of Memphis, who shall fully hear and determine the matter and their conclusions in the premises shall be final.

Power to issue  
process.

SEC. 30. *Be it further enacted*, That every member of the Board of Commissioners of the city of Memphis shall have the power to administer oaths and affirmations, and said Board of Commissioners of the city of Memphis shall have the power to issue subpoenas to compel by subpoena the production of books and papers, accounts, and the attendance of witnesses, and to take and hear testimony concerning any matter or thing pending before such Commissioners of the city of Memphis.

If any person so subpoenaed neglects or refuses to appear or to produce any book, paper, or document as required by such subpoena, or shall refuse to testify before said Commissioners of the city of Memphis, to answer any competent question, he shall be deemed in contempt, and said Commissioners of the city of Memphis shall have power to take proceedings in that behalf as provided by the general laws of the State. The Chief of Police must on request



Of the said Board of Commissioners of the city of Memphis detail a police officer or police officers to serve such subpoena or subpoenas.

SEC. 31. *Be it further enacted*, That said Civil Service Commissioner shall make annual report to the Commissioners of the city of Memphis, and they may require a special report from said Civil Service Commission at any time; and said Commissioners of the city of Memphis may prescribe such rules and regulations for the proper conduct of the business of said Civil Service Commission as shall be found expedient and advisable, including restrictions and appointments, promotions, removal for cause, roster of employees, certification of the records, and restrictions on payment to persons improperly employed.

Annual report, rules and regulations of Civil Service Commission.

SEC. 32. *Be it further enacted*, That the Commissioners of the city of Memphis shall have the power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this Act relating to the Civil Service Commission.

SEC. 33. *Be it further enacted*, That any Commissioner of the city of Memphis at the head of a department of the city government certifying to the Chairman of the Civil Service Commission may cause any employee or employees in his department coming under civil-service rules to be examined as to his fitness and qualifications to fill his position. The Chairman of the Civil Service Commission upon receipt of such communication from said Commissioners of the city of Memphis and the head of a department of the city government shall cite said employee or employees before the Civil Service Commission and examine them as to their fitness and qualification to fulfill the duties of their position according to the standard and rules adopted by the Civil Service Commission as a test for such position; and said Civil Service Commission shall report the results of such examination to the Commissioners of the city of Memphis who requested such examination, and said Commissioners of the city of Memphis must either retain or dismiss said employee or employees as the result of said examination may show.

Commissioner may cause examination of employee.

SEC. 34. *Be it further enacted*, That the provisions of the Sections 26 to 33, inclusive, shall apply to all

Scope of Civil Service.

appointive officers and employees of the city of Memphis, except those especially named in Section 10 of this Act, Commissioners of any kind, laborers whose occupation requires no special skill or fitness, and Assistant City Attorney where such officers are appointed.

SEC. 35. *Be it further enacted*, That all officers and employees who shall be employed by the city of Memphis shall be elected or appointed with reference to their qualifications and fitness and for good of the public service, and without reference to their political faith or party affiliation.

Promise of  
office  
inhibited.

SEC. 36. *Be it further enacted*, That it shall be unlawful for any candidate for office or any officer in the employment of the city of Memphis, directly or indirectly, give or promise any person or persons any office, employment, benefit, or any thing of value for the purpose of influencing or obtaining the political support, aid, or vote of any person or persons. Any violation of the provisions of this section shall be a misdemeanor, and shall be grounds for removal from office.

Contracts,  
bonds, etc.—  
how signed.

SEC. 37. *Be it further enacted*, That the Mayor shall sign all bonds, notes, or other evidence of indebtedness by the city, and shall also sign all contracts to which the city of Memphis is a party; *provided*, that if the Mayor refuses to sign any such contract or instrument, the same shall become effective without his signature by the signature of any three of the other Commissioners. All checks issued by the city on any account shall be countersigned by the Mayor and two Commissioners.

Advertisement  
and award of  
contracts.

SEC. 38. *Be it further enacted*, That no contract involving the expenditure of exceeding five hundred dollars (\$500) shall be awarded or let until after the advertisement for at least one week by some newspaper published in Memphis, and then only to the lowest and best bidder; *provided*, that in case of emergency a publication of two days shall be sufficient.

SEC. 39. *Be it further enacted*, That before any contract can become effective or binding on the city of Memphis, it shall be approved by a majority of the members of the Board of Commissioners, and the members approving the same shall affix their signature thereto, and the same shall be copied with such

signature on the minutes of the proceedings of the board.

**SEC. 40.** *Be it further enacted,* That the method of granting franchises shall remain as prescribed in section 29 of Chapter 54 of the Acts of 1905, save and except that the ordinance granting such franchise shall be passed by a majority of the Board of Commissioners; *provided, however,* that no ordinance granting any franchise shall become effective until such ordinance shall have been passed at three separate regular meetings of the Board and shall have been published in some daily newspaper published in Memphis, Tenn., at least three times, each said publications to be on the day prior to the meeting at which each passage of the ordinance occurs.

**SEC. 41.** *Be it further enacted,* That no ordinance authorizing or providing for any issue of bonds shall become effective until thirty days after its final passage and until the same shall have been approved by a majority of the qualified electors of the city voting at an election to be called and ordered for that purpose; *provided, however,* that such submission and approval of by said voters shall be unnecessary unless same shall have been requested by a petition in writing, signed by at least 500 qualified voters of the city of Memphis within thirty days after the final passage of the ordinance providing for such bond issue.

**SEC. 42.** *Be it further enacted,* That the salary of the City Judge shall be as now prescribed by law; *provided, however,* that in the event of the temporary absence or disability of the City Judge from any cause, no deduction shall be made from his salary unless the Council shall by resolution declare that the absence from his duties was without reasonable excuse.

**SEC. 43.** *Be it further enacted,* That no appeal shall lie from a judgment of the City Court rendered in the exercise of the jurisdiction of that court over all violations of municipal ordinances unless the judgment be for a fine of more than \$10 and costs; and, *provided, further,* that no order of said City Court remitting any fines shall become effective until it shall have been signed by the Mayor and two Commissioners.

Franchises.

Bond ordinance may become effective—how.

Salary of City Judge.

Appeals.

Remission of fines.

Ordinances  
effective—  
when.

SEC. 44. *Be it further enacted*, That no ordinance shall become effective until the same shall have passed at least three regular meetings of the Board of Commissioners and shall have received at each meeting a majority of all members composing said Board, and unless the same shall have been published in some daily newspaper in Memphis on the day preceeding [preceding] each meeting at which it had passed, and until the same shall have been published daily for at least one week after its final passage, in some newspaper published in Memphis, and shall have been duly and formally recorded in the office of the City Clerk in the minutes of the proceedings of the Board; *provided, however*, that by unanimous vote of all the Commissioners any ordinance may become effective immediately upon its final passage if the matter be one of emergency.

Department  
expenditures  
may exceed  
budget.

SEC. 45. *Be it further enacted*, That it shall be lawful to expend in any year a greater amount for any department than shall have been appropriated in the annual budget for the department; *provided*, such excess can be made up from a surplus in any other department or departments, and provided the same is authorized by ordinance or resolution duly passed.

SEC. 46. *Be it further enacted*, That all the special taxes heretofore provided for by the Legislature to be levied and assessed against the real and personal property in the city of Memphis are hereby abolished and all Acts providing for the same are hereby repealed.

Ad valorem  
taxes.

SEC. 47. *Be it further enacted*, That the said Board of Commissioners of the city of Memphis shall have power by ordinance in a regular meeting to levy and collect a general ad valorem tax upon all real and personal property in the city of Memphis not to exceed two dollars (\$2) on every one hundred dollars of assessed value for all purposes, and it is further provided that out of said levy the said Board of Commissioners shall each year collect and pay to the School Commissioners of the of the city of Memphis twenty-five cents on every one hundred dollars of assessed value, to the Park Commissioners of the city of Memphis fifteen cents on every one hundred dollars of assessed value, and to the Cossitt Library

three cents on every one hundred dollars of assessed value.

SEC. 48. *Be it further enacted*, That the next regular municipal election shall be held on the first Thursday after the first Monday in November, 1909, at which there shall be elected a Mayor, who shall hold office until and including December 31, 1911. Subsequent municipal elections shall be held on the first Thursday after the first Monday in November, 1911, and every four years thereafter, at which shall be elected a Mayor and four Commissioners and a City Tax Assessor, who shall take their oath of office and qualify on December 31 following the date of their election.

SEC. 49. *Be it further enacted*, That there shall be a subordinate officer, to be known as "Assistant Attorney," by and with the consent of the Board of Commissioners, who shall receive an annual salary of \$1,200, payable monthly. He shall hold office at the will of the City Attorney.

Assistant City  
Attorney.

SEC. 50. *Be it further enacted*, That all Commissioners and elective officers hereunder shall be exempt from jury and military duty.

SEC. 51. *Be it further enacted*, That the word "Commissioner" or "Commissioners," as used in this Act, shall be construed as embracing the Mayor unless the contrary is plainly indicated.

SEC. 52. *Be it further enacted*, That all Acts and parts of Acts constituting the present charter of the city of Memphis, not in conflict with this amendatory Act, be, and the same are, continued in full force and effect, and all Acts in conflict herewith are hereby repealed.

SEC. 53. *Be it further enacted*, That this Act shall take effect for purposes of election and qualifications of the officers herein provided for from and after its

passage and for all other purposes on January 1st, 1910, the public welfare requiring it.

Passed April 24th, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 299.

### SENATE BILL No. 630.

(By Mr. Sugg.)

AN ACT to regulate the working and laying out of public roads in this State in counties of not less than 26,100 in inhabitants nor more than 26,400 inhabitants according to the Federal census of 1900 or any subsequent Federal census.

Applies to  
Lincoln  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That at the January term, 1910, and at the January term every two years thereafter the County Court of each county in this State within the provisions of this Act shall elect one Road Commissioner for each road district, which shall be coextensive with the civil district, who shall have general supervision over all the public roads, bridges, and overseers in his district. The person chosen shall be a citizen and freeholder of the district, skilled and experienced in the business of road making, and shall hold his office for two years and until his successor is elected and qualified. Before entering upon his duties, he shall take an oath before the Clerk of the County Court for the faithful discharge of same, and shall give bond for the faithful discharge of same and to faithfully account for all money coming into his hands, the amount of

which bond to be fixed by the County Court. It shall be the duty of such Road Commissioner to make all payments for labor, tools, materials, etc., by order drawn by him on the County Trustee, which order shall be first approved by the County Judge or Chairman of the County Court before payment. For any willful neglect or misconduct he shall be guilty of a misdemeanor and punished accordingly. For incompetency or neglect of duty he shall be removed by said County Court on ten days' written notice. As compensation, he shall be entitled to receive \$1 per day for each day's service actually rendered, but shall not claim pay for more than ten days' service in one year.

Duties of Road Commissioners.

SEC. 2. *Be it further enacted*, That at the terms above stated the County Court of each county in this state shall assign hands and taxpayers, and shall define the boundaries of all the sections of public roads in their respective counties within the provisions of this Act, within which boundaries those subject to road duty shall labor. The court at the same time shall fix the number of days' labor to be required of road hands, which shall not be less than five days nor more than ten days in any one year. The District Road Commissioner shall buy necessary tools for road working, to be paid out of the funds belonging to his district. The court at the same time shall fix the price to be allowed for a day's work on the road for wagon and team or horses and plow.

To purchase tools.

SEC. 3. *Be it further enacted*, That the County Court of this State shall levy for each year for road purposes an ad valorem tax on all property of their respective counties outside of incorporated towns, cities, and taxing districts. This levy shall be not less than twenty-five (25) cents on \$100 of taxable property, and shall be collected by the County Trustee and held by him as a separate fund to be disbursed upon the warrant of the District Commissioner, approved by the Judge or Chairman of the County Court, for which he shall have as compensation the same as the county and State taxes; *provided*, any person may work out one-third of this tax on the public roads wherein said property is situated, taking from the District Commissioner a receipt therefor, which receipt shall be written in ink and shall be accepted by the County Trustee in payment

Road tax.

of said road tax as to one-third thereof. One-half of the taxes collected on this assessment from a given district shall be spent on the public road of that district under the supervision of the District Road Commissioner, who shall direct special attention to the main roads or leading thoroughfares of the district. Any surplus road fund which may be on hand after all other requirements of the county shall have been met to be equally divided between the road districts. The Judge or Chairman of the County Court shall make quarterly reports, showing the receipts and disbursements of all road funds, which report shall be examined by the Finance Committee of the county and approved spread on the minutes of the County Court; *provided*, on all privileges not less than one-third of the entire assessment for county purposes shall be set aside by the respective County Courts for road purposes, and shall be apportioned equally between the several road districts of their respective counties within the provisions of this Act.

Overseer's  
duties.

SEC. 4. *Be it further enacted*, That District Commissioners shall appoint for a term of one year an Overseer for each section of public road as established by the County Court. Said Overseer shall be a person subject to road duty residing in the district, and shall be excepted from actual road labor. He shall serve as many days as are assessed to road hands by the County Court without compensation, except as hereinafter provided, and for each additional day of actual service in superintending the working of roads and warning of road hands he shall receive one dollar per day, not to exceed three dollars in one year. He shall have charge of the tools belonging to his section of road, and shall take care of same and turn them over to his successor when appointed. It shall be a misdemeanor for any Overseer having received notice in writing of his appointment to fail or refuse to serve or to fail or refuse to fully and faithfully perform his duties as Road Overseer, and to keep his section of the road in reasonable repair at all times throughout his term of office; and the grand juries of the various counties of the State within the provisions of this Act shall have inquisitorial power to investigate the conduct of Road Overseers under this Act.



SEC. 5. *Be it further enacted*, That it shall be the duty of the several Road Commissioners herein provided for immediately after their election to make out and furnish to the Chairman or Judge of the County Court a certified list of all hands living within their several districts subject to road duty.

Commissioner  
to furnish  
list to County  
Court.

SEC. 6. *Be it further enacted*, That all the male residents of the county between the ages of eighteen and fifty years shall be subject to road labor, except those who have been exempted by the County Court for physical disability, the order of the court also showing exemptions from payment of poll taxes for the same cause. The Road Overseer shall give three days' warning either in person or by written notice left at the residence or usual stopping place of each person subject to road duty, and in case any hand so notified shall willfully fail or refuse to perform honestly, faithfully, and obedient to the direction of the Overseer as many days' labor on the public road as are assessed against him, he shall be guilty of a misdemeanor. It shall be the duty of the Overseer to report to the District Commissioner all hands so failing or refusing to work the public road, and it shall be the duty of the District Commissioner to swear out warrants against all such delinquents before some Justice of the Peace in his district and to have the Road Overseer and other necessary witnesses to convict the delinquent summoned. All fines collected from delinquents shall be placed to the credit of the road section to which said delinquents were assessed for road duty; *provided*, any road hand under the provisions of this Act may commute by paying to the Commissioner of his district on or before the day appointed for road working seventy-five cents a day. All commutation money shall be used to employ labor upon the road section to which the hand so commuting had been assigned. A day's work in the meaning of this Act shall be ten hours' actual labor on the road.

Road duty—  
who liable.

Warning by  
Overseer.

Commutation  
and fines.

Ten hours a  
day's work.

SEC. 7: *Be it further enacted*, That in laying out and making public roads, it shall be the duty of the Road Commissioner to avoid heavy grades and to reduce the same by cutting down sharp points and changing direction of the roads. Ditches shall be maintained on each side of the road of sufficient depth to drain the roadbed. Wherever practical

To avoid heavy  
grades.

roadbeds shall be graded to a fall of one inch to the foot from the center of the road to the ditches. In constructing or maintaining first and second-class roads, broken stone or gravel shall be used when obtainable, and no road shall be placed in a running stream.

Mileposts,  
signboards,  
and foot logs.

Durable mileposts and signboards shall be placed and kept on all first and second-class roads. When a foot log is necessary, it shall be placed. It shall be strong and steady, with a good hand railing. Labor upon the public roads must be performed within the months assigned by the County Court, except repairs in case of necessity, for which the Road Overseer shall arrange with one or more hands or taxpayers, allowing them credit on road duty at the next road working or for the succeeding year. It shall be a misdemeanor for any Overseer to fail to place and keep up durable mileposts and signboards at all principal crossings.

Opening and  
changing  
roads.

SEC. 8. *Be it further enacted,* That all applications to open, change, close, or return to public use any and all public roads in this State and counties within the provisions of this Act shall be made by written petition to the Road Commissioner of the district in which the road is located; and if said road is intended to be located in more than one district, then the petition shall be made to all Commissioners interested, and they shall act jointly. The Road Commissioner, within ten days after the application has been filed with him, shall notify the person first named on the petition of the date at which he will be present at the beginning point mentioned in the petition to act on the application. Five days' written notice of the date and beginning point shall be given by the petitioners to all persons controlling lands to be effected [affected] by the proposed change. The Road Commissioners shall attend at the appointed time and place; and if the proper notice to interested parties has been given, shall act upon the application, assess damages, if in his judgment there should be any, and report his action to the County Judge or Chairman of the County Court. With his report he shall file the original petition, the notice to landowners, and the names of material witnesses. The County Judge or Chairman of the County Court shall consider the whole matter and

make such orders as to opening, changing, closing, or restoring to the public the proposed road as the Court may deem proper. Any interested party may appeal as heretofore; *provided*, said appeal be perfected before the Clerk of the County Court within ten days.

SEC. 9. *Be it further enacted*, That the public roads of the counties within the provisions of this Act shall be divided into three classes, the width of which shall be as follows—namely: The roads of the first class shall be not more than fifty nor less than thirty-five feet in width; the roads of the second class, not more than thirty-five feet nor less than twenty feet; and the third class, not more than twenty-five nor less than fourteen feet. The Road Commissioners shall make, at the end of each year, detailed reports to the County Court, showing the work accomplished by them during the year. These reports shall describe each public road in the district, state whether it is first, second, or third-class road, and its condition at the time of the report. These annual reports of the Road Commissioners shall be filed in the County Court Clerk's office.

Roads classified.  
Annual reports.

SEC. 10. *Be it further enacted*, That nothing in this Act shall be construed so as to effect [affect] the right of counties to construct, purchase, and maintain bridges, turnpikes, and improved highways, and pay for the same with general or special county funds as now provided by law.

SEC. 11. *Be it further enacted*, That one-fourth of the ad valorem taxes which may be levied and assessed under the provisions of this Act for public roads in counties under the provisions of this Act shall be set aside and designated as a "Special County Highway Fund," the same to be expended as hereinafter set out.

"Special County Highway Fund."

SEC. 12. *Be it further enacted*, That the County Court of any county under the provisions of this Act is hereby authorized and empowered, when in its judgment it is deemed advisable, to designate from time to time some thoroughfare of said county as a county highway, to be worked as herein provided, and after July 1, 1910, by county convicts, as now or hereafter provided by law. Such county highway shall be adopted by resolution of the Quarterly Court and entered on the minutes of said court.

County convicts may be worked on roads.

New roads  
may be  
constructed.

and shall designate separately what road or roads shall be established as county highways, and provide for laying out, building, and working said highways. The County Court shall appoint a committee, to consist of the County Judge and two other citizens of said county, who shall be authorized to have constructed any such highway either by contract to the lowest responsible bidder or in such way as their judgment may seem advisable. Such county highways shall be first surveyed by some competent engineer having the knowledge of road building, which engineer shall establish the grades in such manner by which the same shall be constructed, and the same shall be surveyed, cutting off all sharp corners and curves as nearly as possible, which road shall be at least forty feet in width from fence to fence, and shall be well ditched on each side, and the roadbed shall be at least twenty feet wide when constructed and shall be macadamized and laid so as to slope from center to each side one inch to the foot. That from and after July 1, 1910, in the construction of said county highways, the county convicts shall be worked on these special highways, and the special county highway fund provided in Section 11 of this Act shall be expended by said committee in the building of such special county highways in paying for extra labor, wagons, and teams, and hauling and in paying an engineer to supervise the construction of such road building, and it is made the duty of the committee to employ some man skilled in engineering and road building to supervise and direct the work and to do such other work as the committee may require. Compensation for such a man shall not exceed \$4 per day for the time he is actually occupied in the discharge of the duties assigned him. Each member of the committee appointed by the Quarterly Court as herein provided shall receive as compensation the sum of \$25 per year, except the County Judge, who shall receive no additional compensation for the duties imposed upon him by this Act. In designating and establishing special county highways, it shall be the duty of the committee to examine into the needs of the county and to make report and recommendation to the Quarterly Court as to such communities and portions of the county most needing the construction of such special high-

ways for the development of such communities; and it is further made the duty of such committee to receive bids from such communities which may desire such special county highways and to report the whole matter to the Quarterly Court; and in establishing such special highways to be worked as provided under the provisions of this Act, it is made the duty of the County Quarterly Court to take everything into consideration as to the need for such public highway, the public to be served thereby, the amount which any community may offer in the way of bonus, in the way of cash and work to be done, roadways to be given, etc., and such other inducements as any community may offer for the establishment of such highway. That when work shall be begun on said highway which may be established, it shall be the duty of the committee having the construction of the same in charge to have said road built and built as provided under this Act and to complete the same before commencing the construction of any other highway which may be afterwards designated by said County Quarterly Court as a special county highway.

SEC. 13. *Be it further enacted*, That all county prisoners subject to labor after July 1, 1910, shall be employed upon such special highways, subject to existing laws, until which time said county hands shall be employed in the building of public roads or streets of any municipality in those communities offering the highest compensation to the county for such county convicts' labor. Convict labor.

SEC. 14. *Be it further enacted*, That for the construction and maintenance of said special highways, the County Courts of this State in those counties within the provisions of this Act may levy each year a special ad valorem tax of not more than ten cents on the hundred dollars on all the taxable property in their respective counties outside of incorporated cities and towns or taxing districts to supplement said special county highway fund hereinbefore provided, and shall assign for road duty on these highways such hands as live upon or adjacent to said highways. Special ad valorem tax.

SEC. 15. *Be it further enacted*, That all citizens of said counties under the provisions of this Act outside of incorporated cities, towns, and taxing dis- Special privilege tax.

tricts who shall own wagons, buggies, automobiles, and other vehicles and traction engines which may be operated or driven upon the public roads of such counties shall, in addition to all ad valorem taxes and road labor, pay the following special privilege tax therefor:

Each wagon, per annum, \$2.50.

Each log wagon, per annum, \$10.

Each one-horse buggy, per annum, \$2.50.

Each two-horse buggy, per annum, \$5.

Each automobile, per annum, \$25.

Each other vehicle, per annum, \$2.50.

Each traction engine, per annum, \$5.

But all parties liable to this tax will be permitted to work the same out upon the road district in which such party owning such vehicle may reside.

SEC. 16. *Be it further enacted*, That all road hands and Road Overseers who shall work out their full quota of days as provided by the terms of this Act and shall pay for or work out any special privilege tax on any vehicle owned by said person shall receive twenty-five cents per day for each day of actual road labor.

Commissioner  
to report  
delinquent  
privilege list.

SEC. 17. *Be it further enacted*, That it shall be the duty of the Road Commissioner of the several districts of the counties within the provisions of this Act to report to the County Court Clerk of the court the names of all parties owning a buggy, wagon, automobile, traction engine, or other vehicle who shall fail to work out on the public roads of the district wherein said party owning said vehicle may reside or pay the special privilege tax assessed against such vehicle and the owner thereof, upon receipt of which list of parties so failing it is made the duty of the County Court Clerk of said county to issue a distress warrant directed to the Constable of the district in which said delinquent person may reside, or to the Sheriff of the county, to be levied upon such vehicle or other property to be sold for satisfaction of the special privilege tax herein assessed, for which the Clerk of the County Court shall receive as fee one dollar. Said tax when collected shall be paid over to the Trustee and credited to the road funds of the districts of the county from which the same shall be collected. The officer making the levy shall receive as his fees for making the levy,

Distress  
warrant.

sale, and collection the sum of one dollar, all of which to be collected as cost against the party delinquent.

Sec. 18. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24th, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 300.

### SENATE BILL No. 682.

(By Mr. Holladay.)

AN ACT to authorize Overton County, upon an affirmative vote of the qualified voters of said county, to issue not exceeding \$100,000 of coupon bonds for the purpose of building roads in said county, and to erect and construct the necessary bridges and culverts under and upon said roads; to provide for the voting and issuing of said bonds and the payment of the interest thereon and the redemption of same, and the method and expenditure of said fund; and to provide for the election of a Road Commission.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of Overton County as hereinafter provided be, and is hereby, authorized and empowered to, upon affirmative vote of the majority of the qualified voters of said county, call an election hereinafter referred to, to issue coupon bonds of said county, not to exceed \$100,000, said bonds to be due and payable thirty years from date of issue, and to bear interest at the rate of 4½ per cent per annum, payable semi-annually, on the first days of July and January of each

Amount of  
bonds.

Interest rate.

year, for the purpose of building roads in said county and constructing the necessary bridges and culverts upon said roads.

Election.

SEC. 2. *Be it further enacted*, That the Commissioners of Election shall hold an election on the 29th day of May, 1909, said election to be held by officers appointed for that purpose in each precinct or district of said county under the laws governing general elections in said county, and thirty days' notice of said election to be made by the Election Commissioners in some newspaper published in said county, the said election to be held for the purpose of ascertaining whether the qualified voters in said county are in favor of the issuance of coupon bonds for the sum of \$100,000 provided for in Section 1 of this Act.

Qualifications  
of electors.

Each voter who is a qualified voter at the date of said election to vote in any general election of the State of Tennessee shall be qualified to vote at said election, and he shall have printed or written on his ballot "For Good Roads," shall be counted as a ballot for the issuance of said bonds, and a ballot "Against Good Roads" shall be counted as a ballot against the issuance of said bonds. The Election Commissioners in charge of said election shall make return thereof to the Judge of the County Court, who, within five days after such return, shall canvass the vote and declare the result; and if a majority of the votes cast are "For Good Roads," the County Court shall at its next regular quarterly session, or at a special session called for that purpose, order an issuance of the bonds.

Subsequent  
elections  
may be held.

SEC. 3. *Be it further enacted*, That if at the election provided for in Section 2 hereof a majority of the qualified votes cast fail to vote in favor of the issuance of said bonds, then upon an application in writing to the Election Commissioners of one hundred (100) of the qualified voters of said county, representing not less than \$100,000 of taxable property in said county, the Election Commissioners of said county shall then order another election at which the question of the issuance of said bonds shall be a resubmitted to the qualified voters of said county in the same manner as provided for in Section 2 of this Act. If said bond proposition shall again fail, it may be again submitted as frequently as it fails



within ten years from the date upon which this Act takes effect, upon petition in writing of not less than one hundred (100) qualified voters, representing at least \$100,000 taxable property in said county; *provided*, that no two elections shall be held within the same year.

SEC. 4. *Be it further enacted*, That after each or either of said elections have resulted in favor of the issuance of said bonds, and so declared by the County Judge, then the County Judge and the County Clerk of said county shall cause to be issued the bonds as directed, which bonds shall bear upon their face "Overton County Road Bonds," the date upon which same were issued, and the date and time same will mature. They shall be signed by the County Judge and the County Court Clerk, and shall be lithographed or engraved bonds, and shall have the seal of the County Court Clerk affixed thereto. They shall be consecutively numbered, beginning at No. 1, and to each bond there shall be attached coupons beginning at No. 1 and running to the required number, and having on them the number of the bond to which they are attached, which coupons shall each be for the amount of the semiannual interest, and they shall be signed with an engraved or lithographed facsimile of the signature of the County Judge and the County Court Clerk. The expense of issuance of said bonds shall be paid out of the proceeds of the sale thereof. These bonds shall be in denomination of five hundred or one thousand dollars each, and shall be made payable at any bank or trust company as may be deemed advisable and best by the County Judge and the County Court Clerk. Said bonds shall be issued in lots of \$50,000 each as needed for the purposes as provided for by this Act, then to be delivered to the County Trustee, who shall then turn them over upon order of the Road Commission as hereinafter provided for to the purchaser or purchasers thereof upon the payment to him by said purchaser or purchasers of the amount agreed upon with said General Commission.

"Overton  
County Road  
Bonds."

Denomina-  
tions.

SEC. 5. *Be it further enacted*, That the Trustee of the county of Overton shall give bond in a sum to be fixed by the County Judge and the County Clerk for the safe-keeping of the fund herein provided for, and for the collection and safe-keeping of any fund that

Bond and com-  
pensation of  
Trustee.

may be raised by taxation for the purpose of paying off any or all of the bonds as herein provided, and for the faithful performance of collecting any tax that may be levied for same. Said Trustee shall be allowed a commission of one-half of 1 per cent on moneys disbursed by him from the proceeds of said bonds.

Road Commissioners—  
organization  
and compensation.

SEC. 6. *Be it further enacted*, That the County Court at its first quarterly session or special session called for that purpose after the bond proposition carries shall elect five (5) Road Commissioners, to be known as the "Road Commission," who shall organize by the election of Chairman and Secretary. The Secretary of said Commission shall keep a true and correct record of all transactions and make complete reports to each session of the County Court. The Secretary of said Commission shall draw all orders on the County Judge for warrants, and may be allowed by the County Court compensation for his services, not to exceed \$25 per month, the Commissioners to be paid a salary not to exceed \$5 per month; *provided, however*, that all Commissioners are to be reimbursed for actual necessary expenses.

Duties of Commissioners.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Road Commission to negotiate and effect a sale of the bonds, and to this end advertise for and receive bids therefor, and sell to the highest and best bidder, and no sale of bonds to be made for less than par value; to give necessary orders to the County Trustee for the delivery of said bonds to purchaser; to employ a competent civil engineer to lay out and superintend said work of building roads, and to perform other duties imposed upon him in building said road, said engineer to be known as the "Road Superintendent," and who shall have practical knowledge of turnpike construction, and whose duty it shall be to supervise all grading, macadamizing, and construction of said turnpikes or roads under the direction of said Commissioners, and who shall receive such compensation as may be agreed upon by him and the Commissioners, not to exceed the sum of \$2,000 per annum, to be paid out of the funds provided for in this Act in the same manner as other expenses are paid. Said Road Superintendent may employ such assistant engi-

Road Superintendent—  
duties and  
powers.

ers, rodman, lineman, etc., as is necessary in making a survey and laying out of said roads, and who shall receive such compensation as may be agreed upon by the Road Commission.

The said Commission is to settle all differences arising between the members thereof, and is to have general supervision and control over all matters in connection with this said fund and the building of said roads which are not otherwise provided for in this Act, each of said Commissioners to take and subscribe to an oath for the faithful discharge of the duties of his office.

It shall be the duty of said Road Commission to determine what roads are to be built, and to have supervision and control over all matters pertaining to the building of said roads, gravel to be used, depth of the macadam, etc., but in every instance looking to the best interests of the county.

SEC. 8. *Be it further enacted*, That said Road Commission be, and they are hereby, authorized and empowered to purchase rollers, crushers, graders, and other necessary machinery for the construction of said roads, and to pay for the same out of funds provided for under said Act, and any machinery, etc., purchased by said Road Commission under the provision of this Act shall be the property of Overton County, and shall be used in the construction of the roads herein provided for. To purchase machinery.

SEC. 9. *Be it further enacted*, That said Road Commission is hereby authorized to construct said turnpikes by letting the contract for all or part thereof to the lowest bidder, but reserving the right to reject any or all bids, or they may proceed to have the same constructed in such a manner as they deem most conducive [conducive] to the best interests of Overton County, and to this end they are authorized to employ all necessary civil engineers, laborers, and teams; to purchase all necessary machinery and equipments to carry on the work, and to pay for the same out of the funds arising under the provisions of this Act. In the event all or any part of the work is let under contract, the same shall be paid for from time to time on estimates of the engineer, or Road Superintendent, if one is appointed; if not, on estimates made by the Road Commission provided for under this Act, and 10 per cent of each estimate shall Contracts.

be held back or not paid until a final estimate is made and the work is accepted by the Road Commission. All contractors to execute a solvent bond in a sufficient amount for the faithful performance of the contract, which bond is to be approved by the Chairman and Secretary of the Commission.

Commissioners  
not to be  
interested.

No member of the Road Commission shall be as an individual or member or firm or corporation eligible to enter into a contract to perform said work or to be interested in any way in said contract.

Tax levy and  
sinking  
fund.

SEC. 10. *Be it further enacted*, That the County Court shall levy an assessment of not more than thirty (30) cents on each \$100 of the assessable property in said county for payment of interest on bonds issued, and any surplus over the above interest item, the amount received from said levy after paying the interest on said bonds, shall be, and is hereby, made a sinking fund for the purpose of paying off and retiring said bonds. Said sinking fund may be invested or loaded [loaned] by the order of the County Court at a rate of interest not less than  $4\frac{1}{2}$  per cent per annum.

SEC. 11. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24th, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 301.

### SENATE BILL No. 507.

(By Mr. Mansfield.)

AN ACT authorizing McMinn County, Tenn., upon an affirmative vote of the people, to locate and build certain public roads in said county, and issue and sell bonds for the purpose of this Act, and to provide for their payment, and to acquire title for necessary rights of way; to appoint and provide Commissioners to carry out the purposes of this Act, and to vest them with all necessary powers; and to repeal Chapter 26 of the Acts of the General Assembly of Tennessee, passed January 30th, 1907, and approved February 2nd, 1907, entitled "An Act authorizing McMinn County, Tenn., upon an affirmative vote of the people, to locate, improve, and build certain public roads in said county; and to appoint Commissioners and fix their duties; and issue and sell bonds for the purpose of this Act, and to provide for their payment;" and to repeal Chapter 440 of the Acts of the General Assembly of Tennessee, passed April 13, 1903, and approved April 15, 1903, entitled "An Act authorizing McMinn County, Tenn., upon an affirmative vote of the people, to locate, improve, and build certain public roads in said county; to appoint Commissioners and fix their duties; and issue and sell bonds for the purpose of this Act, and provide for their payment;" and to repeal Chapter 430 of the Acts of the General Assembly of Tennessee for 1905, passed April 11, 1905, and approved April 14, 1905, entitled "An Act authorizing McMinn County, Tenn., upon an affirmative vote of the people, to locate, improve, and build certain roads in said county; to appoint Commissioners and fix their duties, and issue and sell bonds for the purpose of this Act, and provide for their payment."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be submitted to the qualified voters of McMinn County, Tenn., the question of issuing and selling bonds of said county to the amount of two hundred and fifty thousand dollars (\$250,000) for the purpose of locating, grading, bedding, metaling, piking, and macadamizing the public roads of said county hereafter mentioned, and for that purpose the Election Commissioners of said county are directed to open and hold an election on the fifth day of June, 1909, for the purpose of ascertaining the will of the qualified voters, and that at such election the qualified voters shall be the same as in general elections, and the election shall be held in the same manner; that

Submission of  
question to  
vote.

at such election those in favor of issuing such bonds shall have written or printed on their tickets "For Road Bonds," and those opposed to issuing such bonds shall have written or printed on their tickets "Against Road Bonds." Notice of such election shall be given as required by law in general elections. In case a majority of the qualified voters voting at such election shall vote in favor of issuing bonds, then the Quarterly Court of said county at the first practicable regular or special session be, and is hereby, authorized and directed to issue bonds of the county to the amount of two hundred and fifty thousand dollars (\$250,000), and that said bonds shall be issued in the denominations of from \$500 to \$1,000, as the said court may determine; and said court shall authorize the sale of said bonds, but the same shall not be sold for less than par.

Amount of  
bonds and  
denomina-  
tions.

SEC. 2. *Be it further enacted*, That all bonds issued under the provisions of this Act shall be signed by the County Chairman and by the Clerk of the Court of said county, and shall bear the county seal. They shall be in the form usual for county negotiable bonds; they shall bear interest at the rate of five (5) per cent, payable annually, and shall be dated July 1, 1909, and shall mature thirty years from date. Said bonds shall be consecutively numbered, beginning with No. 1. Said bonds shall have interest coupons attached in the usual form, numbered as the bonds, maturing at proper date to meet the interest, which coupons shall likewise bear the signatures of the County Chairman and the Clerk of the County Court; and such bonds, principal, and interest, shall be paid in lawful money of the United States, and said bonds and coupons shall be payable at the Hanover National Bank in the city of New York.

Interest rate.

Record of  
bonds.

The Chairman of the County Court shall keep in his office, in a book kept for that purpose, a record of the number and denomination of all the bonds issued under this Act, and all payments of interest and principal on each made.

Tax levy and  
sinking fund.

SEC. 3. *Be it further enacted*, That the County Court of said county shall include in its tax levies a sufficient amount to meet the interest on said bonds, and provide a sinking fund for their payment, the said levies to be on all the taxable property in the

county, including that within the corporate limits of any municipality in said county; and on privileges, but not on polls. The County Court may apply a proper proportion of the regular road tax to this sinking fund or to the payment of interest.

Sec. 4. *Be it further enacted*, That the County Trustee shall account for and collect all taxes on property herein authorized, and account for all taxes received from privileges in the same manner as he is required to do as to other county taxes; shall keep a strict account, separate from other funds, and he shall receive the same compensation as for collecting and accounting for other taxes in the county. The privilege tax shall be collected as other privileges are and turned over to the Trustee. The said Trustee shall make additional bonds, conditioned for the faithful collecting and accounting for this fund, to be approved in like manner with the other bonds required of him, and he may loan at interest, with good security, said sinking fund if so directed to do by the County Court at any quarterly session.

Collection of taxes.

Sec. 5. *Be it further enacted*, That as soon as the County Court has authorized the issuance of said bonds, the County Chairman shall at once arrange and as expeditiously as possible to have said bonds and coupons lithographed, issued, and signed, and that when so issued, they shall be delivered for the purposes of sale to a committee composed of James G. Fisher, W. C. Reynolds, and W. C. Dodson, who are hereby constituted a committee with full power and authority to negotiate and sell said bonds upon the best terms obtainable, but at a sum not less than par. Said committee is authorized and empowered to employ all necessary agencies and to meet and pay the necessary expenses thereof, and for their services shall receive, in addition to their expenses incurred, the amount of five hundred dollars (\$500) for the three. Said committee shall sell said bonds only for cash; and when sold, shall at once pay the proceeds thereof, less their expenses incurred and compensation, over to the County Trustee. In the event any of said committee should vacate by death or resignation, the other two can fill the vacancy.

Bonds to be lithographed.

Committee to sell bonds.

Sec. 6. *Be it further enacted*, That the money derived from the sale of said bonds shall be applied

Proceeds of issue.

and expended in the location, grading, bedding, macadamizing, metaling, and piking 130 miles of public road as follows:

**Route of roads.**

Road No. 1.—Athens towards Decatur in a north-west direction, eight miles via Lane's Bridge.

Road No. 2.—From Calhoun in a southeast direction, five miles.

Road No. 3.—From Niota northwest towards the Meigs County line, two miles.

Road No. 4.—From Riceville towards Meigs County line, seven miles.

Road No. 5.—From Calhoun down the river and in a northwest direction, seven miles.

Road No. 6.—From Athens towards Madisonville, seven miles.

Road No. 7.—From Reagan Station towards Ten Mile Station, four miles.

Road No. 8.—From Niota in the direction of Englewood, four miles.

Road No. 9.—From Sanford west, six miles.

Road No. 10.—From Athens to Etowah, nine miles.

Road No. 11.—From Calhoun, passing through Riceville, Athens, Niota, in the direction of the Monroe County line by Reagan's Station, twenty-five miles.

Road No. 12.—From the most feasible point on Road No. 10 to Englewood, five miles.

Road No. 13.—From Etowah, in the direction of Cog Hill, three miles, and from some point on said road in the direction of the plant of the Pendergrast Lumber Company, one and one-half miles.

Road No. 14.—From Etowah eastward up Cone-saugee Valley, four miles.

Road No. 15.—From Athens, in the direction of Piney Grove, seven miles.

Road No. 16.—From Etowah to Riceville, passing by Double Springs, or as near there as the mileage will justify, twelve miles.

Road No. 17.—From the Monroe County line, on the Sweetwater and Ten Mile Road, in the direction of Ten Mile, five and one-half miles.

Road No. 18.—From Road No. 1 near Hoback's Mill, via Mount Verd, towards Lewee Mills, eight miles.

Said roads shall follow the location of present existing roads as far as is practicable, but when nec-



necessary or proper to change the route of the same to secure better grades or shorter distances, change of route may be made; and whereas certain portions of the roads of McMinn County have natural beds of silt, gravel, or other material that renders macadamizing unnecessary, the Commissioners will not be required to macadamize or metal such portions.

**SEC. 7.** *Be it further enacted,* That for the purpose of further carrying out the provisions of this Act, Robert J. Fisher, U. G. Thompson, and John C. Cate are hereby created a Board of Pike Commissioners of said county, who shall hold their offices until the next general election of county officers when their successors shall be elected by the people, and every two years thereafter said offices shall be filled by popular election, the candidates to be designated on the official ballot by the titles herein declared. Said Board of Pike Road Commissioners shall be vested with the powers hereinafter set out in regard to the building and location of said roads authorized by this Act, and after they are completed with the care and maintenance of the same under the directions of the County Court. Within ten days after the election provided for herein is held, said Pike Road Commissioners shall appear before the County Court Clerk and subscribe to an oath as follows:

Board of Pike  
Commissioners—  
named.

“I, . . . . ., do hereby solemnly swear that I will perform the duties of the Pike Road Commissioner of McMinn County, Tenn., to the best of my skill and ability, and that I will not directly or indirectly become financially interested in any contract made for the building of roads under my supervision.”

Oath.

And such other oath as is required by law.

In case any of said first Board of Commissioners refuses to qualify, or dies, or resigns, his or their successor, as the case may be, shall be appointed by the Quarterly Court next ensuing after the vacancy to fill out the unexpired time. Two of said Commissioners shall constitute a quorum, and the concurrence of two of them shall be necessary for the transaction of business. Said Commissioners shall organize by the election of one of their number as Chairman and one of their number as Secretary, and they shall keep a record of all their actions officially done and an itemized account of all moneys expended.

Vacancies.

Organization.

Engineers to  
be employed.

Powers and  
duties of  
engineer.

To receive  
bids.

Contracts.

SEC. 8. *Be it further enacted*, That as soon after their organization as possible said Board of Pike Commissioners shall employ 9 capable, competent, and experienced civil engineers for such length of time as in their judgment is necessary for the completion of the roads to be built under this Act, which said engineer shall at all times be under the direction and control of said Board, which shall have full power to discharge or remove said engineer and to employ his successor or successors. The salary of such engineer shall be payable at such time as said Board shall contract, and the same shall be paid out of the proceeds of said bonds on the order of the President of said Board, countersigned by the Secretary, and on such order being made the Chairman of the County Court shall issue his warrant on the Trustee. Said engineer under the direction and control of said Board shall have the right to employ all assistants necessary for the discharge of his duties, and said assistants shall be paid in the way as is the engineer. Said engineer shall proceed to make a survey of the roads hereinbefore specified, showing their route and location as they are to be finally built, and will follow the directions of the Pike Commissioners in so doing. Said engineer shall, in making said surveys, make them as cheaply and as expeditiously as possible, going sufficiently into detail, however, to enable a contractor under his direction to locate and build the roads. Said engineer shall also, in connection with his surveys, report to said Board general specifications for the building of said roads to enable the said Board to determine what to require of the contractors. Said report having been made and considered, said Commissioners shall then advertise for bids and shall let the building of said roads according to such specifications to that contractor who, all things considered, shall have made the lowest and best bid. Said contracts may be let to one or more contractors, but no work shall begin until contracts shall have been let for the entire one hundred and thirty miles of road hereinbefore specified. The work of the contractors in building said roads shall at all times be under the control and supervision of said engineer in such manner as is usual and customary in railroad building. Said Board shall require the contractor or contractors to

five bond or bonds in reasonable amount, with adequate security, for the performance of the contract according to its terms. Said Board of Pike Commissioners are also authorized to employ all clerical hire necessary and legal assistance, the expenses thereof to be paid in the same manner as the salary of the engineer. For their services, said Board shall each be paid for the term for which they have been appointed the sum of one thousand dollars (\$1,000), payable monthly, calculating their term of service as lasting from the date of their qualification to September, 1910, and after that date their successors shall be paid such compensation as the County Court may fix. The compensation of said Board shall be paid out of the proceeds of said bonds in the same manner as the compensation of the engineer is paid. Said contractors for their work shall be paid monthly on the estimates of the engineer, but there shall be retained out of said estimates ten per cent thereof until the final completion thereof, and said payment shall be made out of the proceeds of said bonds, the County Chairman issuing his warrant on the Trustee on the order of the Chairman of the Board, countersigned by its Secretary.

Compensation  
of Commis-  
sioners.

As said work is completed, the same shall be accepted or rejected as said contracts may or may not have been faithfully performed. Said Board, as far as practicable, shall require portions of each of said roads to be completed and thrown open to the traveling public without awaiting the completion of the entire road.

SEC. 9. *Be it further enacted*, That if, after letting of the contract for the one hundred and thirty miles of road, it appear that there will be left a surplus, the same shall be expended in building additional pike roads to the mileage that the fund under the control of said Board will justify, and in the order named as follows:

Additional  
roads may be  
built.

1. An extension of Road No. 15 towards Benton, in the direction of and along the lines of the old stock road, to the Polk County line.

2. A road from Niota southwest to a connection with Road No. 1.

3. An extension of Road No. 3.

SEC. 10. *Be it further enacted*, That said Board of Pike Commissioners is also authorized and empow-

To use funds  
raised by tax  
levy.

McMinn  
County.

ered to use any funds raised and unexpended under and by virtue of Chapter 121 of the Acts of the General Assembly of Tennessee, passed February 15th, 1907, and approved March 18th, 1907, entitled "An Act to enable and authorize any county in Tennessee having a population of not less than 19,163 and not more than 19,175 under the Federal census of the year 1900 or any subsequent Federal census, through its County Court, to levy and collect a special tax of not exceeding fifty cents upon each thousand dollars' worth of taxable property for the purpose of building and improving public roads in said county, and to provide for the collection and disbursement of said taxes."

Old Board to  
make settle-  
ment.

The Board of Commissioners appointed under said Chapter 121 by the County Court will make settlement with the County Chairman on the first day of July, 1909, in the event the election herein ordered is in favor of the issuance of bonds, and the sum remaining on hand will be by the Trustee of said county transferred to the same account as the proceeds of the bonds herein provided for and used in the same manner.

Power of con-  
demnation.

SEC. 11. *Be it further enacted*, That for the effectuation of the objects of this Act, the Board of Pike Commissioners herein created are vested with powers of eminent domain for purposes of condemning such lands as may be necessary for the construction of or change in such roads as may be constructed or changed under the provisions of this Act, and this power will be exercised under the same conditions, restrictions, and limitations and by the same mode of procedure as is provided by the general laws of Tennessee for the government of the exercise of the powers of eminent domain by railroad corporations, being Sections 1845 and 1867, inclusive, of Shannon's Code of Tennessee, and said Board of Pike Commissioners is authorized to institute in its name for the use of McMinn County all actions necessary to affect [effect] such condemnations, and to employ counsel and incur all necessary expenses in that behalf; and expenses so incurred, as well as compensation adjudicated to the landowners in such cases, will be paid from the proceeds of the bond issue before in this Act provided for. The said Board of Pike Commissioners is also given the power to acquire land

necessary for the construction of or changes in such roads by gift or by negotiation and purchase where such mode is by said Commission deemed more desirable than condemnation proceedings. Title to all lands acquired, whether by gift, purchase, or condemnation proceedings at law, will be vested in the county of McMinn.

SEC. 12. *Be it further enacted*, That Chapter 26 of the Acts of General Assembly of Tennessee, being an Act entitled "An Act authorizing McMinn County, Tenn., upon an affirmative vote of the people, to locate, improve, and build certain public roads in said county; to appoint Commissioners and issue and sell bonds for the purpose of this Act, and to provide for their payment," and to repeal Chapter 440 of the Acts of the General Assembly of Tennessee, passed April 13, 1903, and approved April 15, 1903, entitled "An Act authorizing McMinn County, Tenn., upon an affirmative vote of the people, to locate, improve, and build certain roads in said county; to appoint Commissioners and fix their duties, and issue and sell bonds for the purpose of this Act, and to provide for their payment," and to repeal Chapter 430 of the Acts of the General Assembly of the State of Tennessee for 1905, passed April 11, 1905, and approved April 14, 1905, entitled "An Act authorizing McMinn County, Tenn., upon an affirmative vote of the people, to locate, improve, and build certain public roads in said county; to appoint Commissioners and fix their duties, and issue and sell bonds for the purpose of this Act, and provide for their payment," be, and is hereby, repealed. Acts repealed.

SEC. 13. *Be it further enacted*, That in the event the election ordered in this Act on June 5, 1909, should result against the issuance of bonds, that it shall be lawful at any time thereafter for the County Court of said county to order as many new elections as it desires, and on the action of the County Court taken at any regular or special session ordering said election a new election shall be held at such time as the County Court may fix, which said election shall be held in the way and manner as provided in Section 1 hereof, and additional elections may by the County Court be authorized from time to time as often as it sees fit to order them, and the Election Commissioners of said county shall hold Subsequent elections may be held.

such elections when ordered by the County Court to do. In the event that the election provided for on June 5, 1909 results against the issuance of bonds, but they are subsequently approved at another election, the committee provided for in Section 5 hereof and the Commission provided for in Section 7 hereof shall be appointed by the County Court for such term as the County Court sees fit to designate. On an affirmative vote of the people had at any election held subsequent to June 5, 1909, the County Court is authorized to issue the bonds herein authorized changing the date of said bonds from July 1, 1909, to such date as the County Court may fix; and in the event of an affirmative vote of the people at any election held subsequent to June 5, 1909, the provisions of this Act will apply to such issue just as the same applies to the bonds if issued under the election of June 5, 1909, with the exception only of changes in dates, committees, and Commissions.

SEC. 14. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23rd, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 302.

### SENATE BILL No. 194.

(By Mr. Blackburn.)

AN ACT to amend an Act entitled An Act to establish and maintain a uniform system of public schools, passed March 6, 1873, the same being Chapter 25.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 25 of the Acts of 1873, beginning with Section 10, be so amended as to read as follows: "In each county of the State there shall be a County Board of Education composed of one member of each civil district, the Judge or Chairman of the County Court, and the County Superintendent of Public Instruction, who shall be ex officio Chairman of said County Board of Education."

County Board of Education.

SEC. 2. *Be it further enacted*, That the Clerks of the various District Advisory Boards of the county shall serve as members of the County Board of Education until September the first, 1910, and on the first Thursday of August, 1910, and biennially thereafter each member of the County Board of Education shall be elected by the qualified voters of the district, and the term of service of members thus elected shall begin on the first day of September next after said election.

Biennial election.

SEC. 3. *Be it further enacted*, That any person shall be eligible to the office of member of the County Board of Education who is qualified by having at least a primary education such as the primary public-school course at the present time to perform the duties required and who is a resident of the district. If he shall cease to be a resident thereof, his office shall be deemed vacant.

Qualifications of members.

SEC. 4. *Be it further enacted*, That all members of the County Board of Education shall hold their office until the first day of July, 1909.

SEC. 5. *Be it further enacted*, That whenever a vacancy occurs among the members of the County Board of Education, the County Superintendent

Vacancies.

shall fill same by appointment upon being notified of such vacancy.

Term.

SEC. 6. *Be it further enacted*, That the County Board of Education shall elect one of their number Secretary, and his term of service shall be two years; *provided*, the first term shall expire the first day of September, 1910.

Duties of  
Chairman.

SEC. 7. *Be it further enacted*, That the duties of the Chairman of the County Board of Education shall be:

1. To issue all warrants authorized by the County Board of Education upon the County Trustee for all expenditures of the public-school funds.

2. To make a written report to the County Court quarterly of all expenditures of the public-school funds by items, which amounts shall be audited by the County Judge and Auditing Committee of the County Court.

3. To preside at all meetings of the County Board of Education, and to appoint all committees authorized by said Board.

Duties of  
Secretary.

SEC. 8. *Be it further enacted*, That the duties of the Secretary shall be:

1. To keep in a well-bound record book to be furnished by the county a full and accurate account of each meeting of the County Board of Education, which record shall be kept in the office of the County Superintendent of Public Instruction.

2. To furnish the County Trustee not later than three days after each meetings of the County Board of Education, and before the Chairman of the County Board of Education shall draw any warrant on the County Trustee, a full and true list of all expenditures authorized by the County Board of Education.

Duties of  
Board.

SEC. 9. *Be it further enacted*, That it shall be the duty of the County Board of Education:

1. To hold a regular meeting on the first Saturday in July, October, January, and April to transact all public-school business; *provided*, the Chairman may call a special meeting whenever in his judgment the interest of the public school requires it.

2. To select teachers, fix their salaries, locate, build, repair, furnish schoolhouses; fix all wages and incidental expenses, and control the expenditure of the public-school fund.



3. To run all schools of the county as nearly as practicable the same length of time. If the daily attendance of one or more schools shall fall below the minimum fixed by the County Board of Education, then such schools shall be suspended until an attendance can be assured of not less than one-fourth of the number of pupils within the province of said school or schools.

4. To locate schools where deemed most convenient, having due regard for lessening the number in order to improve the efficiency of the county system of education. Pupils may by the consent of the County Board of Education be permitted to attend school in a district other than that in which they reside.

5. To receive monthly reports from their respective teachers, and issue an order or certificate thereon to the Chairman of the County Board of Education for warrant for salary due.

6. To visit the public schools of their respective districts as often as the County Board of Education may require.

7. To dismiss teachers for incompetency, improper conduct, or inattention to duty.

8. To suspend pupils whenever the prosperity of the school makes it necessary.

9. To take care of, manage, and control all school property; to transfer or sell school property and make a deed therefor, and perform all duties now required of District Directors under Sections 1430 and 1431 of the Code, which may not be included in the foregoing subsection.

SEC. 10. *Be it further enacted*, That the members of the County Board of Education shall take the scholastic population annually within the month of July, and not later than the fifteenth day of the month. Annual scholastic census.

SEC. 11. *Be it further enacted*, That each member of the County Board of Education shall make a full and accurate report of the public schools of his districts to the County Superintendent of Public Instruction not later than the first day of August each year, said report to be made on the forms furnished and to include the time from July the first to June the 30th following next before the report is made. Reports.

SEC. 12. *Be it further enacted*, That each member

Members to  
take census.

of the County Board of Education shall take the scholastic population of his district on blanks furnished by the State Superintendent of Public Instruction, and shall give the name of parent or guardian, the name of the child, and also state whether child can read or write, and for this service said member of the Board of Education shall be paid two cents per capita for each child of school age; *provided, further*, that each member of the County Board of Education shall receive one dollar and fifty cents for attendance and service upon each meeting, and one dollar a day for visiting schools of the district when ordered by the County Board of Education.

Compensation.

SEC. 13. *Be it further enacted*, That this Act shall not be so construed as to any way affect or abridge the rights of cities and towns of this State maintaining a separate school system of their own.

This Act  
applies to  
Giles,  
DeKalb,  
Rutherford,  
Hickman,  
Benton,  
Decatur,  
Coffee,  
Hardin,  
McNairy,  
and Bedford  
Counties.

SEC. 14. *Be it further enacted*, That this Act shall apply only to counties in this State having a population of not less than 33,034 nor more than 33,050, and to counties having a population of not less than 16,450 nor more than 16,475, and not less than 33,540 nor more than 33,550, and not less than 16,360 nor more than 16,370, and not less than 11,885 nor more than 11,890, and counties having a population of not less than 10,435 nor more than 10,445, and not less than 15,570 nor more than 15,580, and not less than 19,240 nor more than 19,250, and not less than 17,760 nor more than 17,765, and counties having a population of not less than 23,840 and not more than 23,850, according to the published Federal census of 1900 or any subsequent Federal census.

SEC. 15. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take

effect from and after its passage, the public welfare requiring it.

Passed April 23rd, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

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## CHAPTER 303.

### SENATE BILL No. 257.

(By Messrs. Howse and Matthews.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished,' the same being Chapter 114 of the Acts of the General Assembly of 1883, passed March 21st, 1883, and approved March 27th, 1883, and all subsequent Acts amendatory thereof, the same being the charter of the city of Nashville, by providing for the creation of a Board of Hospital Commissioners, defining their powers and duties; and by providing for and authorizing a special tax levy for carrying the purposes of this Act; and by providing for the creation of various offices in connection with the hospital, and defining the duties and powers of such offices."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in each of the cities controlled by Chapter 114 of the Acts of 1883 a Board to be known as the "Board of Hospital Commissioners" is hereby created, said Board to consist of five (5) members, one of whom shall be a member of the City Council, who shall at the time of their election have been freeholders within the territory embraced within the corporate limits of said cities for five years prior to the time of their election, and none of whom shall be physicians or sur-

Board of  
Hospital  
Commissioners.

geons, but all of whom shall be nonmedical men. The first election of said Commissioners shall be made by the City Council of such cities at the first regular meetings thereof after the passage of this Act, and the first Commissioners elected under and by virtue of this Act shall hold their office for terms of one, two, three, four, and five years, and their tenure of office shall be specified in the certificates of election issued to such Commissioners by the City Recorder of such cities. On the expiration of the terms of the first Commissioners as heretofore provided, their successors shall be elected by the City Council of such cities, and shall hold their offices for terms of two years from and after the date of their election and until their successors are elected and qualified. In case of any vacancy occurring in said Board of Hospital Commissioners by reason of death, removal, disability, or any other cause, such vacancy shall be filled by the City Council at its first regular meetings after it has been notified of the existence of such vacancy, and the person elected by the Council at such meeting shall hold for the remainder of the term for which his predecessor had been elected.

**Term.**

**Vacancies.**

**Oath and bond.**

Before entering upon the performance of their duties as Hospital Commissioners, each and every member of said Board shall take and subscribe an oath before the City Recorder to the effect that he will support the Constitution of the United States and of the State of Tennessee, and will faithfully strive to obey and carry into effect the duties imposed upon him by this Act. Each Commissioner shall likewise, before entering upon the performance of his duties, execute a bond to the Mayor and City Council in the sum one thousand dollars (\$1,000), conditioned that he will faithfully and truly perform the duties imposed upon him by law. No compensation shall be received by any member of the Board of Hospital Commissioners for any services performed by him as such Commissioner.

**Duties.**

SEC. 2. *Be it further enacted*, That it shall be the duty of the Board of Hospital Commissioners to exercise exclusive supervision, direction, and control over all public hospitals that may be erected, conducted, or maintained by the cities controlled by this Act and to make all rules and regulations of a non-

medical and nonsurgical character for the regulation of such hospital or hospitals. Immediately upon their election by the City Council, said Board of Hospital Commissioners shall proceed at their first meeting to elect a Chairman of said Board, and shall also at such first meeting elect a Superintendent and Surgeon for each of such public hospitals within such cities, whose tenure of office shall be during good behavior, and who shall be subject to removal by said Board for cause upon charges in writing being preferred against him and a hearing had thereon before said Board after due notice. Such Superintendent and Surgeon shall receive as his compensation the sum of twenty-five hundred dollars (\$2,500) per annum, payable monthly, and shall likewise receive without expense to him his board, laundry, and quarters at such hospital where he shall reside during his term of service. He shall devote himself entirely to the performance of his public duties at such hospital or hospitals. The Superintendent and Surgeon shall be a physician of reputable standing in his profession, a graduate in medicine, of skill and culture, but shall not be connected in any way with the medical colleges of the city during his term of service, and shall have at least five years' experience in the practice of his profession prior to the date of his election, two years at least of which shall have been spent by him in some reputable hospital.

Superintendent and Surgeon.

Removal for cause.

Compensation.

Qualifications.

SEC. 3. *Be it further enacted*, The Superintendent and Surgeon shall be superior to all other officers and employees at such hospital, except the Superintendent of Steward Department, who shall be under control of Hospital Commission, and shall have power and authority to direct them in the performance of their duties, except as is herein otherwise expressly provided, and shall have power and authority to employ all nurses, attendants, and other hospital employees, except as herein otherwise provided for, whose compensation shall be fixed by the Superintendent and Surgeon, subject to the approval of the Board of Hospital Commissioners. All such nurses, attendants, and other hospital employees shall be subject to be discharged by the Superintendent for incompetency, inefficiency, neglect of duty, or for other cause, but the Superintendent shall in all such

Powers of.

Secretary to  
Board.

cases of discharge report his reason therefor in writing to the Board of Hospital Commissioners, and a copy of such report shall be preserved by the Secretary of said Board. The Secretary to the Mayor is hereby constituted the Secretary to the Board of Hospital Commissioners, and shall keep accurate and proper accounts of the meetings of said Board, which shall be held at least once a month and at such other times during the month as the Chairman of said Board may see fit to call said Board in session.

Hospital staff—  
how selected.

SEC. 4. *Be it further enacted*, That there shall be a hospital staff composed of two branches, one of which branches shall be selected by the medical faculties of the Vanderbilt University, University of Tennessee, and the University of Nashville, of the city of Nashville, and the other branch shall be selected by a majority of the Board of Hospital Commissioners from the regular physicians and surgeons of such city who are not members of the medical faculties of any medical school or college in the city of Nashville. The members of the hospital staff shall serve for two years from and after the date of their selection by the medical faculties of the schools above named and by the Board of Hospital Commissioners. Upon the passage of this Act, the Board of Hospital Commissioners shall notify the secretaries of the medical faculties of the Vanderbilt University, University of Tennessee, and the University of Nashville to transmit to said Board the names of two members of each of said faculties who have been selected by said medical schools as its representatives on the hospital staff, and to the persons so selected the Board of Hospital Commissioners shall issue certificates of commission as members of such hospital staff; *provided, however*, that the medical faculties of the three schools above named may, if they so elect, rotate their representatives on said hospital staff every two months, and in such cases the secretaries of such medical-school faculties shall notify the Board of Hospital Commissioners of such changes in their representation on the hospital staff, and such Board shall issue a certificate to such new representatives; but in no event shall more than two members of the medical faculty of any of the above-named medical schools serve on the staff at the same time. The

**other branch of the hospital staff as herein provided for shall be elected by the Board of Hospital Commissioners at their first regular meeting after the passage of this Act, and shall hold their offices for two years from and after their election and until their successors are elected and qualified. Each branch of the staff shall consist of six members, and each branch shall attend at the City Hospital for period of six months each year. The terms of attendance of each branch of the staff shall be designated by the Board of Hospital Commissioners, but the branch of the staff selected by the faculties of the medical colleges hereinabove named shall be given, if possible, terms of attendance which shall cover as nearly as possible the sessions of the various medical schools located in the city of Nashville.**

**Any member of either branch of the staff who shall attempt in any manner to transfer to any other physician or surgeon, not a member of such staff, and not the Superintendent and Surgeon of such hospital, the performance of any duties resting upon him as a member of the staff shall forfeit his right to be a member of the staff, and shall not be eligible for service on such a staff at any future time.**

**The hospital staff shall have exclusive power and authority to make all rules and regulations of a medical and surgical character for the administration of the hospital or hospitals to which such staff is assigned for service, but all such rules and regulations before becoming operative shall be approved by a majority of the Board of Hospital Commissioners, and said Hospital Commission shall have right to change said rules.**

Rules and regulations for government of hospital.

**No member of the hospital staff shall receive any compensation for his services as such member.**

**The Board of Hospital Commissioners is hereby authorized and empowered to make all rules and regulations touching the attendance of members of the staff at the hospital and their duties while in such attendance. Any member of the staff shall be subject to be removed by the Board of Hospital Commissioners at any time that to said Board may seem proper, but in such case of removal the successor of such removed member of the staff shall be selected from the faculties of the three medical colleges hereabove named or from the regular physi-**

cians and surgeons of the city who are not members of such medical faculties, in case such removed member belongs to one or the other of the two above-named classes.

Monthly reports.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Superintendent and Surgeon to make monthly reports to the Board of Hospital Commissioners, which reports shall contain a full, accurate, and detailed account of all transactions at the hospital during such month, as the number of patients received, the number discharged, the expenditures made at the hospital during such month, as well such other information as the Board of Hospital Commissioners may by resolution require the Superintendent and Surgeon to set forth in such monthly reports.

Superintendent of the Steward Department—compensation and duties.

SEC. 6. *Be it further enacted*, That there shall be a Superintendent of the Steward Department of the City Hospital, whose compensation shall be fifteen hundred dollars (\$1,500) per annum, payable monthly, and who shall perform the duties of Steward as now fixed by ordinances of the city of Nashville, and such other duties of a nonmedical character as may be required of him by the Hospital Commission; but in the performance of all of such duties, the Steward shall be subject to the authority, direction, and control of the Hospital Commission. The office of Superintendent of Steward Department created by this Act shall be filled by the present Superintendent of the City Hospital as created by an ordinance of the city of Nashville, approved June 12th, 1903, and said Steward shall be subject to removal only under and in accordance with the rules of the Civil Service Commission of the city of Nashville, and said Superintendent of Steward Department shall live at City Hospital and shall be provided living quarters by Hospital Commission.

Internes—how chosen.

SEC. 7. *Be it further enacted*, That there shall be four internes at the City Hospital, who shall be chosen as follows:

The winners of the Founder's Medals in the graduating classes of each of the three medical colleges in the city of Nashville—to wit: Vanderbilt University, the University of Tennessee, and the University of Nashville, shall be certified yearly to the Board of Hospital Commissioners by the faculties of their



respective colleges, and upon such certificate being received, said Board of Hospital Commissioners shall commission said graduating students as internes for the City Hospital for the period of one year from and after the date of their appointment and commission. The fourth interne shall be chosen by the Superintendent and Surgeon of the hospital. *Provided, however,* that if the winners of the Founder's Medals or students receiving the highest grades in their respective medical colleges in the graduating classes thereof shall decline the appointment of internes at the City Hospital, then and in that event the student of such college or colleges receiving the next highest per cent in such graduating classes shall be certified by the faculties of such schools to the Board of Hospital Commissioners, and shall be commissioned and appointed for the period of one year as heretofore provided. If such students should in turn decline appointments as internes, then said Board of Hospital Commissioners may appoint such internes for the period of one year, and in their appointments shall not be restricted to the graduating classes of the medical schools hereinabove named. The internes of the hospital shall be under the exclusive supervision, direction, and control of the Superintendent and Surgeon, and shall, if practicable, reside at the hospital, where they shall be furnished board and laundry free of charge, but they shall receive no compensation either from the Board of Hospital Commissioners or from patients at the hospital for their services as such internes. They shall perform such duties of a medical character as may be assigned to them by the Superintendent and Surgeon, and shall be subject to be removed and discharged by the Superintendent and Surgeon, who shall, however, in such cases, report in writing his reasons for such discharge or removal to the Board of Hospital Commissioners, and said Board may, if it sees proper, rehear such cases and determine whether or not such removals and discharges are justified; but an appeal as a matter of right shall not lie from the action of the Superintendent and Surgeon to the Board of Hospital Commissioners in such cases of discharge or removal.

To be under supervision of Superintendent and Surgeon.

May be removed.

SEC. 8. *Be it further enacted,* That it shall the duty of the Board of Hospital Commissioners to submit

Hospital Commission to make quarterly reports.

to the City Council of such cities quarterly reports in writing, which shall set out in full the collections and disbursements made on account of the hospital during such quarter, and shall contain the monthly report made during such quarter by the Superintendent and Surgeon as hereinbefore provided for. All moneys collected from private and pay patients at the City Hospital, as well as from clinical fees charged the students of the various medical schools of the city of Nashville, as fixed by the rules and regulations of the Board of Hospital Commissioners, and all other revenue derived from the operation and conduct the hospital, shall be paid to the City Treasurer of such cities, who shall keep the same separate from the other revenue of the city and to the credit of the Hospital Department. It shall be the duty of the Board of Hospital Commissioners in each year on or before the first of September to submit to the City Council its estimate of the amount of money required for the conduct and operation of the hospital during the succeeding year, and it shall be the duty of the City Council, before the first of January of each year, to agree upon and by ordinance provide for the annual budget of the Board of Hospital Commissioners. The City Council of such cities is hereby authorized and empowered to include in the annual levy of taxes for such city or town a special hospital tax of one-third of one mill on each dollar's worth of property assessed for city taxation, and the money thus levied shall constitute a special fund with which to operate the affairs of the hospital, as provided by this Act. *Provided, however,* that the City Council shall have power to include in the yearly hospital budget sums of money over and above that realized from the special hospital tax herein authorized in the event such tax is levied and collected. The Board of Hospital Commissioners shall have exclusive power and authority to make all expenditures out of the moneys appropriated for the conduct and maintenance of the hospital as hereinabove provided, and such expenditures shall be made by vouchers, signed by the Chairman of said Board of Hospital Commissioners, and upon presentation to the Comptroller and Treasurer of the city shall be paid by them and charged to the Hospital Department; *provided, however,* that if the

Tax levy.

Disbursement of Hospital funds.

Board of Hospital Commissioners so elect, they may by resolution authorize the Superintendent and Surgeon to make expenditures on account of the hospital which do not exceed the sum of fifty dollars (\$50), and a detailed account of which expenditures shall be furnished by the Superintendent and Surgeon to the Board of Hospital Commissioners at their regular monthly meetings. When any expenditure, except for salaries, shall amount to five hundred dollars or more, it shall be the duty of the Board of Hospital Commissioners to prepare an ordinance, which shall be known as the ordinance of the Board of Hospital Commissioners, and to introduce the same in the City Council of such cities, which ordinance shall authorize sums of five hundred dollars or more to be spent on account of the hospital, and such ordinance shall be passed in accordance with the requirements of said cities regulating and governing the passage of ordinances. Any expenditure in excess of five hundred dollars made on account of the hospital or any liability or contract for any such expenditure, unless made as herein provided, shall be illegal and not binding on the Board of Hospital Commissioners; or if such sum has been paid, the same may be recovered from the person or persons receiving the same in all action to be instituted by the Mayor and City Council of Nashville.

SEC. 9. *Be it further enacted*, That all laws or parts of laws in conflict herewith be, and the same are hereby, repealed.

SEC. 10. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22nd, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 304.

### SENATE BILL No. 316.

(By Mr. Blackburn.)

AN ACT to amend an Act passed April 12, 1901, and approved April 20, 1901, entitled "An Act to incorporate the town of Lawrenceburg, in Lawrence County, Tenn., and to establish boundaries of said town, provide for the organization and maintenance of its municipal government, define its powers and obligations, and to vest said corporation with certain property for municipal purposes," so as to authorize and empower the City Council of the city of Lawrenceburg, by ordinance, to prescribe the character and kind, and for the purchase of, curbing and the manner and way of constructing and repairing same, to be used in and for said city, and to repeal the clause of said Act now applying to curbing that is contained in Subsection "27" of General Section "23" of said Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That an Act passed April 12, 1901, and approved April 20th, 1901, entitled "An Act to incorporate the town of Lawrenceburg, in Lawrence County, Tenn., and to establish the boundaries of said town, provide for the organization and maintenance of its municipal government, define its powers and obligations, and to vest said corporation with certain property for municipal purposes," be so amended in Subsection "27" of the general Section "23" of said Act, between the words "the City Council" and the words "to grant the," so as to strike out this clause—to wit: "But no ordinance ordering the building of such pavement or repairs shall be enforced until the city has first caused to be built and put down at its expense a good and substantial curbing of stone or wood cut of a uniform height and size along the outer edge of said intended pavement," and insert in lieu thereof the following—to wit: "Provided, that the City Council of said city may by ordinance provide for the character and kind and purchase of curbing for said sidewalks and foot pavements, and for the constructions and repair of the same, and the manner thereof, at the expense of the said city, or at the expense of the property owners, and when to be done by and at the expense of*

May provide  
for curbing  
and side-  
walks.

the property owner or owners, or by said city for them, to be in the same way and manner and under the same provisions as apply, or may be made to apply, to the construction and repair of sidewalks and a foot pavement, and said City Council for said city is hereby authorized and empowered to pass such ordinances to carry into effect this Act; but when said curbing to be at the expense of said city, said ordinance shall so express the same."

SEC. 2. *Be it further enacted*, That all Acts in conflict with this Act be, and the same are hereby, repealed.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23rd, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 305.

### SENATE BILL No. 334.

(By Messrs. Hord and Cooper.)

AN ACT to authorize the County Court in each county in the State, when in quarterly session assembled, a quorum being present, to adopt a resolution to contract with a bank or banks to pay interest on daily balances of the county funds mentioned; to create a County Finance Committee, and define its duties and powers; to define the duties of the County Trustee, and fix his penalty.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court in each county in the State, when in quarterly session

County Courts  
may author-  
ize contract  
for interest  
on funds.

County  
Finance  
Committee.

Duties and  
powers.

assembled, a quorum being present, be, and is hereby, authorized to adopt a resolution to contract with a bank or banks making the highest and best bids to pay interest on daily balance of the county funds mentioned; and is further authorized to appoint three of its members, who, in conjunction with the County Trustee and County Judge or Chairman, shall constitute the County Finance Committee, with the County Judge or Chairman as chairman of said committee.

SEC. 2. *Be it further enacted*, That the said Finance Committee, to carry out the will of the said County Court, shall be vested with full power to formulate, make, and sign contract upon the terms and conditions specified therein, which contract shall be approved by the County Judge or Chairman and attested by the County Court Clerk, with the county seal attached on the part of the county, and shall be binding on the county.

SEC. 3. *Be it further enacted*, That when the contract has been completed and signed as heretofore described on the part of the county, and also signed by the proper parties on the part of the bank or banks under the seal thereof, and a good and sufficient bond has been executed by the bank or banks for the faithful performance of the contract and to save the county harmless, the said Finance Committee shall so notify the County Trustee in writing and order him to place all funds already in his hands or that may hereafter be collected by him on deposit in said bank or banks, noting the funds that shall draw interest and the amount thereof.

SEC. 4. *Be it further enacted*, That upon the receipt of said notice and order, it is hereby made the duty of the County Trustee to place all funds in said notice in the bank or banks designated therein.

County  
Trustee—  
released from  
liability for  
losses.

SEC. 5. *Be it further enacted*, That from the date of said deposit, which shall be evidenced by the bank book, the County Trustee shall be released from liability for losses to the county in consequence of said contract and deposit; *provided*, that should the County Trustee fail or refuse to specifically obey the said order, he shall be held liable not only for the said money collected and not deposited, but for the interest on said funds mentioned in said contract, and as a penalty shall be liable for further interest equal

in amount of interest contracted for, all of which may be recovered by suit instituted in a court of competent jurisdiction, and when collected, the interest to be paid as penalty shall become the property of the contracting bank or banks, and the balance of the fund recovered, together with the cost, shall be paid to the county.

SEC. 6. *Be it further enacted*, That before the fifteenth of each month the said bank or banks shall render a statement to the County Trustee, showing the balance on hand and the interest thereon due the county to the first of the month, and the County Trustee shall, in his monthly report to the County Judge or Chairman, show the amount of said monthly balance as per bank statement, said interest to be placed by the Trustee to the credit of the proper county fund; *provided*, this Act shall not apply to counties having a population of not less than 13,395 nor more than 13,400 according to the Federal census of 1900 or any subsequent Federal census; *provided*, this Act shall not apply to counties of 150,000 or over according to the Federal census of 1900 or any subsequent Federal census.

Reports and  
statements.

This Act does  
not apply to  
Humphreys  
and Shelby  
Counties.

SEC. 7. *Be it further enacted*, That all Acts heretofore passed in conflict with this Act are hereby repealed.

SEC. 8. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 23rd, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

CHAPTER 306.

SENATE BILL No. 339.

(By Mr. Holladay.)

A BILL to be entitled "An Act to change the line between the counties of Clay and Jackson."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* The line between the counties of Clay and Jackson be, and the same is hereby, changed so as to include within the county of Jackson all the lands of Eribous Rich now included within the county of Clay.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24th, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 307.

### SENATE BILL No. 432.

(By Mr. Baskerville.)

**AN ACT** authorizing Macon County, Tenn., to issue and sell interest-bearing coupon bonds for the building of roads, macadamized roads, turnpikes, and bridges, and the improvement of the public highways in said county, upon an affirmative vote of the people; and to provide for the expenditure of the proceeds in making and improving said roads, turnpikes, bridges, and highways; and for the levy and collection of taxes to pay the interest and principal and provide a sinking fund for the redemption of said bonds; also providing for the election of a Board of Commissioners and regulating and defining their duties and providing for their compensation.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That at any quarterly term of the County Court of Macon County, Tenn., held after the passage of this Act said County Court is hereby authorized and empowered to submit to the qualified voters of said county, at a time to be fixed by said court, not sooner than sixty days after such action by said court, the question of issuing bonds not to exceed the amount of one hundred and fifty thousand dollars (\$150,000) for the purpose of making such roads, macadamized roads, turnpikes, and bridges, and improving other public highways of said county as the Commissioners hereinafter provided for shall direct; and if the proposition to vote said bonds shall fail to carry, then said court at any time thereafter and as soon as it may deem proper may resubmit the question of such issuance of such bonds to the voters of said county.

Submission of question to vote.

Amount of bonds.

Subsequent elections may be held.

Said election shall be advertised in a newspaper published in said county, if there be one published in the county, also by printed handbills posted at five or more places in each civil district in said county for thirty days before said election, and at said election those favoring the issuance of said bonds shall have written or printed on their tickets "For Bonds," and those opposed to the issuance of said bonds shall have written or printed on their tickets "Against Bonds."

Said election shall be held by the officers authorized by law to hold elections in said county for members of the General Assembly of the State, and returns thereof shall be made, under seal, to the Chairman of the County Court, who shall open and canvass same in the presence of the court at the first term thereof, either monthly or quarterly, occurring after said election, and shall declare the result of said election and have the same spread of record as a part of the minutes of said term. In case a majority of the qualified voters at said election shall vote in favor of the issuance of said bonds, the said County Court shall be authorized to issue the same in the manner and subject to the conditions hereinafter provided. All persons residing in said county who are at the date of said election entitled to vote for members of the General Assembly of the State shall be entitled to vote thereat, and none others.

Denominations and interest rate.

SEC. 2. *Be it further enacted*, That the bonds issued under this Act shall be payable to bearer, and shall be for the sum of \$500, and shall bear interests at a rate not to exceed five (5) per centum per annum, payable semiannually on the first days of January and July of each year, respectively, at the office of the Citizens' Bank of LaFayette, Tenn., or Bank of LaFayette, LaFayette, Tenn., at the option of the holders of said bonds. The principal of said bonds shall be payable at the end of thirty years from the date of their issuance, but after the expiration of five years from their issuance the county shall have the option of paying off any of said bonds at any time. Said bonds shall be divided into five blocks of sixty (60) bonds each, and each block shall constitute a series, and said series shall be designated as Series A, B, C, D, and E, and the bonds in each series shall be numbered from one to sixty (60), both inclusive; and if the county shall after said date redeem any portion or less than the whole amount so issued, it shall begin such redemption with Bond No. One (1), in Series A, and redeem in the consecutive order of their issuance until all bonds in Series A are paid off; then it shall likewise begin with Series B, and so on, taking the series in regular order until all bonds are paid off; and there shall be attached to each of said bonds so issued coupons for each installment of interest thereon, maturing

Redemption of bonds.

Interest coupons.

the proper dates, and bearing the number of the bond to which they are attached. The bonds when issued shall be signed by the Chairman of the County Court and countersigned by the Clerk of said court, with the official seal of said court; and each coupon shall be signed in like manner, but without the official; *provided*, that the signatures of the Chairman and Clerk upon said coupons may be photographed.

A full, complete, and particular record shall be kept of said bonds by the Clerk of the County Court, showing when and to whom issued, the payments of interest thereon, and when to whom the principal is paid. Not less than one page shall be devoted to each of said bonds, and said record shall be open to inspection by said court and the public at all times.

SEC. 3. *Be it further enacted*, That the bonds and coupons herein provided for when paid off by the trustee or Tax Collector shall be canceled by him by writing or printing with stencil across the face of the same with ink the date received and paid, and he shall hold same as his voucher for such payment on his settlement with the Chairman of the County Court, and the same shall be preserved by said Chairman as a part of the county records after being entered in said bond registry; *provided, however*, that after the lapse of one year from the cancellation of any bond or coupon and the registration thereof in said registry the same may be destroyed by order of the quarterly term of the County Court, which order shall specify particularly the number and series and amount of the bonds or coupons so destroyed.

If the County shall exercise its option to pay off any of said bonds or any part of same before maturity as herein provided, then the Chairman of the County Court shall determine the amount so to be paid or redeemed, and shall advertise in some newspaper in the county for thirty days, specifying the amount and the several numbers and series of the bonds to be redeemed, commencing at the lowest number of the series outstanding, and shall require the holder to present the same for payment on or before a date to be fixed in said notice, and the bonds so called shall cease to bear interest after said date, whether presented for redemption or not.

Record of  
bonds.

Notice to bond-  
holders.

SEC. 4. *Be it further enacted*, That the Chairman of the County Court of said county shall, within the last sixty days immediately preceding the maturity of said bonds, give notice to the holder or holders of the same through a newspaper published in said county or through the one most circulated in said county for the term of thirty days, stating in said notice the date that said bonds shall fall due and requiring that the same be presented for payment or redemption on the said date of maturity; and if said bonds be not presented for payment at maturity, then the interest thereon shall cease at that date.

Tax levy and  
sinking fund.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Quarterly Court for said county annually to levy and collect a tax on the taxable property, polls, privileges, taxable under the law of the State in said county for State and county purposes for the purpose of paying the annual interest on the bonds so to be issued under the provisions of this Act and for the purpose of creating a sinking fund for the redemption of said bonds. The sinking fund so created may be used in the discretion of said County Court in the purchase or redemption, at the option of the County Court, after five years, of any of the outstanding bonds, or it may be loaned or securely invested, at the option of the County Court, until such bonds shall be subject to call and payment.

Collection of  
taxes.

SEC. 6. *Be it further enacted*, That it shall be the duty of the County Trustee or Tax Collector for said county of Macon to collect the taxes herein provided to be assessed and collected for the payment of said bonds and the interest thereon, and for the collection he shall be compensated as though this was a part of the tax assessed for county purposes; but he shall be required to execute in double the amount of the taxes to be collected, in addition to the other bonds required by law to be executed by him, with good and solvent security, for the faithful discharge of his duties with reference to the same. He shall also keep an accurate account, showing the amounts which he shall have collected under the provisions of this Act and the disbursements he shall have made of the fund, and shall make report of the same as he is required to do as to other taxes.

**SEC. 7.** *Be it further enacted,* That for the purpose of carrying out the intention of this Act, it shall be the duty of the County Court at any quarterly term thereof to elect three Commissioners, who shall be citizens and freeholders in said county, who shall hold their office for two years and until their successors are elected and qualified, no more than two of whom shall belong to any one political party, and neither of whom shall be a member of said court, for the purpose of supervising the laying out and construction of such roads, macadamized roads, turnpikes, and bridges, and public highways, and selecting the public highways to be improved, and who shall employ a skilled civil engineer and such other expert services as may be required to survey the route of the roads to be constructed and improved, and make profile drawings of the same, showing grades at every point and ownership of land through which same are intended to run, with all necessary facts to a full understanding as to the practicability or advantage of such route, and he shall make his report to said Commissioners. Said Commissioners shall also have the right to take by gift or purchase on behalf of said county rights of way for the construction of said roads. The survey and work herein authorized to be done shall include grading, filling, metaling, ditching, widening, bridging, draining, and other necessary improvements in constructing said roads and highways, which shall be understood to include the building of bridges across any of the streams of said county deemed necessary in making said improvements, and said Commissioners shall make a record in detail of the probable or approximate costs of making such improvements, together with the probable damages which will be done to adjacent lands by such changes; that specifications shall then be made for the work to be done in constructing said roads and the building and improvement of other highways and bridges in said county as may be determined upon by said Commissioners, and said Commissioners shall then advertise for said work as a whole or in sections or parts, and give the same to the lowest responsible bidder or bidders, but no bid shall be accepted which is higher than the estimated price fixed in estimate made by said Commissioners; and said Commissioners may employ engi-

Commission  
created.

To employ  
civil  
engineer.

Duties and  
powers of  
Commis-  
sioners.

To advertise  
for bids.

neers or other necessary aid to supervise and superintend said work while same is being performed. All work shall be done subject to the inspection of the Commissioners or engineers employed by them. The work done according to the specifications under which the same was let to contract shall be approved and accepted by the Commissioners, and work not so done shall be disapproved by the Commissioners. The Commissioners shall require good and solvent bonds of all contractors.

To make  
reports of  
work done.

SEC. 8. *Be it further enacted*, That the said Commissioners shall make report to the County Court at each quarterly term, showing the progress of such improvements in detail, and at the completion of the work shall make final report to said court.

SEC. 9. *Be it further enacted*, That said bonds when issued by the Chairman and Clerk as hereinbefore provided, shall be turned over to said Commissioners, they executing receipts in duplicate therefor.

Sale of bonds.

The said Commissioners shall thereupon sell said bonds for cash in hand to the highest at competitive sealed biddings, advertising the sale in such newspaper in the county; or if no newspaper in the county, then in such manner as they may think best, and for such a period as their discretion may suggest; but no series of said bonds shall be sold for less than par, nor shall more than one series thereof be sold at one time, but each series shall be offered for sale as the progress of the work in hand may demand the use of the money to be derived from a sale thereof. But before said bonds are delivered to said Commissioners to be disposed of as hereinbefore set out for the purpose of realizing the funds for the building of said roads, turnpikes, bridges, etc., said Commissioners shall be required to give good and sufficient bonds for the proper custody of said bonds and disbursements of the funds arising therefrom with some reputable guarantee company as surety authorized to do business as such under the laws of Tennessee, the said bonds to be approved by the Chairman of the County Court in such sum he may deem proper, the compensation of the Commissioners to be such as the County Court may fix.

SEC. 10. *Be it further enacted*, That none of the Commissioners shall be interested to any extent in any contract under which any of said roads shall be

built or improved. Any Commissioner violating this section of this Act shall be subject to fine of not less than five hundred dollars (\$500) and imprisonment, at the discretion of the court. The said Commissioners shall make a report in detail to the court of the sale of said bonds, in addition to the disbursements of the proceeds of the sale, together with the other reports to each quarterly session.

SEC. 11. *Be it further enacted*, That the Commissioners shall pay contractors every fifteen days upon estimates made by the engineer or assistants, retaining ten per cent of each estimate until the entire work or contract is completed. Payment of  
contractors.

SEC. 12. *Be it further enacted*, That the funds derived from the sale of bonds provided for in this Act shall not be diverted or applied to any other purposes than those herein specified.

SEC. 13. *Be it further enacted*, That the Commissioners created by this Act shall be required, and are hereby authorized, to remove all roads of the first, second, and third-class from the beds of running streams, except when it cannot be avoided, except the part of the road that is a ford in crossing the stream; and in the removal of such roads as are set out in this Act, when it becomes necessary to encroach upon the lands of any citizen along said roads, it shall be the duty of the Commissioners to summon two disinterested freeholders in their respective districts, whose compensation shall be one dollar (\$1) per day, and after giving the owner of the land to be encroached upon by the removal of said road five days' notice to go with these two freeholders and view said proposed change or removal, and assess the damages, if in their opinion there should be any, and report their action to the next quarterly term of the County Court. With their report they shall file the names of the two freeholders summoned to act with them, together with a duplicate or copy of the notice to said landowner or owners. Roads to be  
removed  
from beds of  
running  
streams.  
  
Jury of view.

The County Court shall consider the whole matter, and it is hereby made mandatory upon the part of the County Court to make an appropriation from the general road fund for the purpose of paying such damages as may be assessed. Any interested party may appeal as heretofore, provided such appeal be Damages.

Penalty.

perfected before the Clerk of the County Court within ten days. A failure or refusal upon the part of any Commissioners to remove such roads as are provided for in this Act shall be a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50).

Sec. 14. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24th, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



## CHAPTER 308.

### SENATE BILL No. 500.

(By Mr. McKinney.)

**N** ACT to be entitled An Act to compile, codify, amend, and constitute into one Act an Act entitled "An Act to incorporate the town of Huntingdon, in the county of Carroll, and provide a municipal government for the corporation," being Chapter 318 of the Acts of 1903; and an Act entitled An Act to amend Chapter 318 of the Acts of 1903, passed March 23, 1903, and approved April 15, 1903, and entitled An Act to incorporate the town of Huntingdon, in the county of Carroll, and provide a municipal government for the corporation, being Chapter 34, Acts of 1905; and an Act entitled An Act to amend the charter of Huntingdon, in the county of Carroll, the same being Chapter 318 of the Acts of 1903, entitled An Act to incorporate the town of Huntingdon, in the county of Carroll, and provide a municipal government for the corporation, and the Act amendatory thereto, the same being Chapter 34 of the Acts of 1905, entitled An Act to amend Chapter 318 of the Act of 1903, passed March 23, 1903, approved April 15, 1903, and entitled An Act to incorporate the town of Huntingdon, in the county of Carroll, and provide a municipal government for the corporation, and to repeal so much and such parts of said Act of 1903 and the amendatory Act thereto as conflicts with this Act, being Chapter 74, Acts of 1907; and to amend Chapter 74, Acts of 1907, so as to provide and enlarge the powers of the Board of Mayor and Aldermen of the town of Huntingdon as to the levying and collection of taxes and the election of City Marshal; and to repeal so much and such parts of Chapter 318 of the Acts of 1903 and Chapter 34 of the Acts of 1905 and Chapter 74 of the Acts of 1907 as are in conflict with this Act; and also to amend Chapter 74 of the Acts of 1907 so as to fix the term of office of the officers of the municipality and provide for date of election.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 318, Acts of 1903, incorporating the town of Huntingdon and the amendatory Act, being Chapter 34 of the Acts of 1905, and the amendatory Act, being Chapter 74 of the Act of 1907, be herein compiled, codified, and amended, and shall be, and are hereby, declared and designated the "Charter of the Town of Huntingdon."

Charter of  
town of  
Huntingdon.

**SEC. 2.** *Be it further enacted,* That that section of the country in Carroll County comprised within the following limits, to wit—beginning at the southeast corner of Oak Hill Cemetery; thence north 29 de-

Boundaries.

grees east 129 poles to the southeast corner of Clarence Johnson's barn; thence north 11 degrees west 21 poles to a stake in J. W. Murphy's lot; thence north  $1\frac{1}{2}$  degrees east 47 poles to southeast corner of Ebb Mebane's orchard; thence west  $1\frac{1}{2}$  degrees north 130 poles to a stake in a field; thence south 15 degrees east 53 poles to a gum tree standing in an alley near the northeast corner of the Southern Normal University campus; thence west 15 degrees south 100 poles to the southeast corner of Clark's Cemetery; thence north 10 degrees west 60 poles to a stake 9 poles north of the north margin of alley; thence west 23 degrees south parallel with said alley 56 poles to a small bridge on Paris Road northwest of the confluence of East and West Paris Streets; thence south 16 degrees west 130 poles to the Nashville, Chattanooga and St. Louis Railroad; thence west with said railroad 10 poles; thence south 13 degrees east 90 poles to Beaver Creek at a point about 20 feet east of short bridge, said short bridge being on Jackson Levy [Levee] northeast of the main creek bridge; thence up said Beaver Creek with its meanderings to a point on north bank of said creek, 30 feet below the abutment of Lexington Bridge; thence east 31 degrees north 130 poles, more or less, to the beginning—and the inhabitants thereof are hereby incorporated and constituted a body politic by the name and style of the "Mayor and Aldermen of the Town of Huntingdon," and by such name and style shall have perpetual succession; may have and use a common seal; and may by such name and style sue and be sued, plead and be impleaded; may have, receive, purchase, and hold property, whether real, personal, or mixed, for the use of said corporation; and may grant, sell, and dispose of the same for the use of said corporation.

General  
powers.

SEC. 3. *Be it further enacted*, That the corporation aforesaid shall have full power and authority by ordinance within the limits aforesaid:

Tax levy.

1. To levy and collect taxes on all property, privileges, and polls in said limits taxable by the State for State purposes, the rate of taxation to be fixed by ordinance by the Board of Mayor and Aldermen.

2. To appropriate money and provide for the payment of the debts of the town, and to borrow money, not to exceed the sum of two thousand dollars at

by one time, not including the present debt; *provided, further*, that the Mayor and Aldermen shall sue no notes or other evidences of indebtedness for longer period than three years.

3. To make regulations to prevent the introduction or spread of contagious or infectious diseases in the town; to make quarantine laws for that purpose, and enforce the same to the distance of two miles from town; to create a Board of Health; and to establish, build, and regulate hospitals and pest-houses. To prevent spread of disease.

4. To establish and support a system of free schools, and regulate same so as to secure the most efficient management, and to prevent sectarian and denominational influence, and for that purpose may levy and collect a tax not exceeding twenty cents on the hundred dollars of property and one dollar on polls, in addition to the other revenue hereinbefore provided and may collect and appropriate in aid of said schools. Schools.

5. To make and enforce regulations to secure the general health of the citizens, and to prevent and remove nuisances.

6. To provide the town with water and lights by waterworks and power plants within or beyond the boundary of the town, and for these purposes issue bonds and borrow money as provided by the general law. Water and lights.

7. To open, alter, abolish, widen, extend, grade, establish, pave streets, alleys, and sidewalks, or have same done, and for these purposes the said town shall have the right to condemn property, the proceedings to be governed by Sections 1844-1867, inclusive, of Shannon's Code of Tennessee. Streets.

8. To erect, establish, open, close, and remove bridges, sewers, gutters, hydrants, and cisterns. Police.

9. To establish, support, and regulate a police system and appoint special police when, in the opinion of the Recorder or Treasurer, it is necessary.

10. To provide for inclosing, improving, and regulating public grounds belonging to the town.

11. To provide for the prevention and extinguishing of fires, to establish and equip a fire department, and to restrain or prohibit the erection of wooden or combustible buildings in any part of the town; to regulate the storage of all combustible, inflammable, Fires.

ble, or explosive material and the use of fire or lights in the town or the cleaning, burning, or sweeping of chimneys or stovepipes; and to regulate the discharging, firing, shooting, or carrying of guns, pistols, and fireworks in the town; to regulate or prohibit the selling within the limits of the town fireworks of any kind.

Fines.

12. To regulate, fine, and suppress all disorderly houses, assignation or bawdy houses, and gambling houses; to impose fines, forfeitures, and penalties for the breach of or to enforce any ordinances; to provide for the recovery of fines and penalties; to provide for the arrest and confinement until trial of all persons violating any ordinance of the town; to prevent and punish by pecuniary penalties, fines, or imprisonment all breaches of the peace, noises, disturbances, disorderly assemblies, or any other misdemeanors of the town at any time; to erect, purchase,

Workhouse.

or rent and organize and regulate a calaboose or workhouse in or near said town, and any person who shall fail, refuse, or neglect to pay or secure any fine or cost imposed upon him under any ordinance of the town shall be committed to said calaboose or workhouse until such fine and cost is so paid. Every person so committed to the workhouse or calaboose shall be required to work for the town within or without the workhouse not exceeding ten hours each day, and for such work shall be allowed one dollar per day, less the amount paid for his board, until the whole cost be paid. Fines, forfeitures, and penalties for the breach of the ordinances of said town may be recovered before the Recorder and Treasurer or any Justice of the Peace of Carroll County, and said Recorder and Treasurer or Justice of the Peace shall have the power to issue process, either summons or capias or subpoena, render judgment, issue execution, demand bail, fine for contempt, or commit to the workhouse or calaboose as herein provided, and any party shall have the right to appeal to the Circuit Court upon giving bond, with approved security, in double the amount of the fine, forfeiture, or penalty or cost, conditioned upon the payment of judgment and cost to the Circuit Court, if cost in the suit; *provided* no bond shall be less than twenty-five dollars.

Power of  
Recorder.

Ordinances of said town imposing fine, penalties,

and forfeitures shall be construed remedially, and all process issued by the Recorder and Treasurer or Justice of the Peace may be directed to the Town Marshal or any lawful officer of Carroll County, who shall execute and return the same as any other process, and may be amended from time to time to promote the attainment of justice.

13. To establish a standard or [of] weights and measures, and to enforce the use of such weights and measures so established; to provide the inspection and measure of lumber and other building materials; for the inspection and weighing of all kinds of wood, coal, and fuel, hay, corn, fodder, and all kinds of grain and provender; for the inspection of all kinds of meats and breadstuffs, lard, vegetables, and provisions of all kinds. Inspection of foods.

14. To prevent and remove all encroachments in or upon any street, alley, or any property of the town; to remove all obstructions from the pavements, and to provide for the construction and repair of pavements and curbings and for cleaning the same and all gutters and streets at the expense of owners of ground fronting, and expense of same shall constitute a lien on the lot of said owner for eighteen months from the date of completion of the work or the repairs, and said lien and debt may be enforced and collected as taxes; to regulate running at large cattle, hogs, horses, mules, stock, and animals of all kind; to regulate and prevent the leaving or placing of teams, wagons, or other vehicles on the streets, or fast riding or driving on the streets.

15. To pass all by-laws and ordinances necessary and proper to enforce the powers granted in this Act which are not inconsistent with the laws of the United States and the State of Tennessee.

SEC. 4. *Be it further enacted*, That the Mayor and Bonds.  
Aldermen of the town of Huntingdon may fund all of the outstanding bonds of said town which have been duly and legally issued by said town under the Acts of the Legislature, at the option of the holders of the said bonds, and in lieu of said bonds issue to the holders thereof new interest-bearing coupon bonds, paying in twenty years from date of issue and bearing not over six per cent interest, payable semiannually. Said bonds shall show on their face that they are issued in the funding of the bonds is-

sued under the said several Acts of the Legislature, and the corporate authorities of said town are authorized to issue said bonds of such denomination or denominations of the bond or bonds funded. It shall be the duty of said corporate authorities to designate the place where the principal and interest of said bonds shall be payable. None of said bonds shall be payable until twenty years from the date of issue unless the holder of any of said bonds shall agree to receive payment of any of said bonds, and in that event the Mayor and Aldermen of said town may pay any of said bonds. That the Mayor and Aldermen of the town of Huntingdon shall each year levy and collect a sufficient tax to pay the interest on said bonds, which said taxes shall be levied on all of the taxable property of the said town, and the Mayor and Aldermen are authorized to levy such taxes as may provide a necessary sinking fund at maturity, but no part of the taxes levied and collected under this section shall be applied to any other purpose, and said sinking fund shall not exceed twenty-five cents on each one hundred dollars of the taxable property each year, and said sinking fund shall be paid into the hands of the Recorder and Treasurer and invested as the Mayor and Aldermen may direct until needed for the payment or purchase of any of said bonds.

Tax levy and  
sinking fund.

Street duty—  
who liable.

SEC. 5. *Be it further enacted*, That every male citizen of said town between the ages of eighteen and forty-five years shall be liable to street duty, and may be required to work on the streets of said town, not to exceed four days in any one year, unless, because of physical disabilities, exempted thereupon by the Mayor and Aldermen; *provided, however*, that any one liable for street duty may in lieu of working pay the Recorder and Treasurer fifty cents per day, which shall be expended on the streets of the town. Any person refusing or failing to work or pay as aforesaid shall be guilty of a misdemeanor and subject to such a fine as may be fixed by ordinance of said Mayor and Aldermen.

Biennial  
elections.

SEC. 6. *Be it further enacted*, That the Election Commissioners of Carroll County or such other person or persons may be authorized to hold State and county elections shall hold an election at the usual voting place in said town on the first Saturday in

March, in 1910, and on the first Saturday in March every two years thereafter, the polls of said election opening at nine o'clock A.M. and closing at 3 o'clock P.M. of the same day, for the purpose of electing a Mayor and seven Aldermen for the said town, who shall respectively hold their offices for twenty-four months and until their successors are elected and qualified; and all persons owning a freehold in said town and all persons residing within the limits of said corporation and who shall have been residents thereof for three months previous to said election shall be entitled to vote in said election, *provided* they are otherwise entitled to vote for members of the General Assembly. No person shall be eligible as Mayor or Aldermen unless he be a resident of said town, and is a householder or freeholder in said town; and immediately after said election the Election Commissioners for said county shall make out and deliver to the persons having the highest number of votes for Mayor a certificate of his election, and shall make out and deliver to the seven persons having the highest number of votes for Aldermen certificates of their election.

The persons elected shall be installed into office on the second Tuesday in March. In case of a vacancy in any of said offices, the Mayor and Aldermen shall fill the vacancies or vacancy of the unexpired term. The persons elected shall before assuming the duties of their offices take an oath before the Mayor in office or some Justice of the Peace for said county to demean themselves in their official capacity faithfully, uprightly, and honestly. In case there shall be no election at the time specified, the Election Commissioners shall call another election upon at least ten days' notice; *provided*, the then Mayor and Aldermen shall hold their offices until their successors are elected and qualified.

Installation of  
Mayor and  
Aldermen—  
vacancies.

SEC. 7. *Be it further enacted*, That at the first meeting of the Mayor and Aldermen on the second Tuesday in March each and every year shall elect one of the persons elected Aldermen [Alderman] Recorder and Treasurer of the town of Huntingdon, and before entering upon the discharge of the duties of his office he shall enter into bond, payable to the said Board of Mayor and Aldermen, with good and sufficient security, to be approved by the Mayor of

Election and  
bond of  
Recorder.

Duties and  
powers of  
Recorder.

the said town, in an amount fixed by said Board, conditioned that he shall faithfully demean himself in the performance of the duties of his office during his continuance in office, and that he shall faithfully collect and pay over as required by this Act and the Board of Mayor and Aldermen all taxes, fines, and forfeitures which may be due and owing to said corporation. The duties of the Recorder and Treasurer shall be as follows: He shall have full power and authority to issue all process necessary and proper for the arrest of any person or persons charged with violating any of the criminal by-laws or any ordinances of said corporation; to preserve health, quiet, and good order of said town, and upon the application of the said Town Marshal to issue warrants for the arrest of any person or persons charged with violating any ordinance or by-laws of the said town; and upon the application in writing under oath of any person issue warrants for the arrest of any person or persons charged with violating any of the by-laws or ordinances of said town, provided he deems it a proper case for arrest; and when any of the by-laws or ordinances are violated in his presence, issue a warrant for the arrest of said person or persons; and when any person or persons are brought before him charged with violating any of the ordinances or by-laws of the said town, he shall have full authority to try and punish such person or persons, if he deems them, him, or her guilty, by fine; and unless such person or persons so fined shall pay or secure said fine and cost, the Recorder and Treasurer shall order the Town Marshal to confine the person or persons so fined in the calaboose or workhouse of said town until said fine and cost are paid or secured to be paid or worked out on the streets or alleys of said town; *provided, always*, that the defendant or defendants shall have the right to appeal to the next term of the Circuit Court for Carroll County at the next succeeding term; and it shall be the duty of the Recorder and Treasurer to keep a docket upon which he shall write out his judgments in the same manner as the Justices of the Peace of this State are now required by law to do; and it shall be lawful for him to take security for the fines assessed by him, together with the cost of the suit, and in the same manner that stays of execution that



may by laws of the State be taken by Justices of the Peace, but for not longer time than thirty days, and the same shall be binding and valid upon said surety or sureties; and when said stay shall expire, it shall be the duty of the Recorder and Treasurer to issue an execution as Justices of the Peace of this State are now authorized to do in such cases. All process issued by the Recorder and Treasurer shall be directed to the Town Marshal or any other lawful officer of Carroll County, and shall be returnable before the Recorder and Treasurer of said town. Execution issued upon judgments rendered by the Recorder and Treasurer shall have the same validity and effect and be subject to the same rules and regulations that executions issued by Justices of the Peace have and are now subject to by the laws of this State; and if any of the said officers into whose hands an execution issued by said Recorder and Treasurer as aforesaid shall come, and he shall fail to make due and proper return of same to the office of the Recorder and Treasurer within thirty days from the date of the issuance, or if he should collect the money or any part thereof on the same and fail to pay over the same on the demand of the Recorder and Treasurer, said officer and his sureties may in like manner be subject to the same penalties that Constables and their sureties are now by the laws of this State subject to for failing to return execution issued by Justices of the Peace or for failing to pay money collected on same by motion before any Justice of the Peace of said county, and it shall be the duty of said Recorder and Treasurer to keep an office convenient to the business portion of the town, where he shall stay the greater portion of his time during business hours unless he is necessarily absent. It shall be the duty of the Recorder and Treasurer to collect all taxes of every description and kind due and owing to the town, issue license to the merchants and for other privileges, keep the minutes of the meetings of the Mayor and Aldermen, and on or before the last regular meeting in each month of July of each year have made out the tax books for that particular year and present the same to the Mayor and Aldermen for their approval or for such alterations and changes as they may desire to make. In assessing the tax of every description and kind,

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he is required to follow the assessments as made by the State and county officials. It shall be the duty of said Recorder and Treasurer on the first Monday of August of each and every year to open the tax books for the collection of all taxes due the town, and on the first Monday of December of each year all taxes uncollected shall be delinquent, at which time he shall make out and deliver to the Town Marshal a delinquent tax book, including property tax, poll tax, and ad valorem tax, and said delinquent tax book in the hands of the Town Marshal shall have the same force and effect as an execution from a judgment of a court of record of this State; and after the said Town Marshal shall have discharged his duties as hereinafter set out relative to the collection of said taxes, and shall fail to collect the tax assessed against any real estate, and so returns, the Recorder shall advertise said real estate for sale at least ten days in a newspaper published in Huntingdon, and the same shall be sold at public outcry to the highest and best bidder for cash on the second Saturday in January, and the proceeds of the sale shall be applied, first, to the payment of the taxes, penalties, and costs, including the advertising, balance, if any, paid to the owner. The Recorder and Treasurer is hereby authorized to bid at said sale and become the purchaser of any property so sold for the use and benefit of the town. Any property sold may be redeemed at any time within two years after date of sale by the payment of all taxes, costs, and penalties, including those after sale, with legal interest from date of sale. The Recorder and Treasurer shall issue a certificate to the purchaser, containing the date of sale, name of purchaser, and amount of purchase price, together with a description of the property. At the expiration of two years the Recorder and Treasurer then in office shall on presentation cancel said certificate and execute and deliver to the purchaser a deed, upon the payment by the purchaser legal fees thereof. Upon the application of the purchaser or his assignee and thirty days' notice to the original owner, if a resident, or publication for four weeks in a newspaper published in Huntingdon, Tenn., if a nonresident, the Circuit Court shall issue a writ of possession to the purchaser or his assign.

Tax books.

Delinquent tax sales.

Sale to city.

Right of redemption.

Certificate of purchase.

Deed after two years.

In case the property is bid off by the Recorder and Treasurer for the use of the corporation, he shall <sup>Resales.</sup> have the right to sell the same, provided the purchase price shall not be less than the accrued taxes, penalties, and cost, and the purchaser at such said private sale shall have the right to apply for and obtain a writ of possession as above provided for. Equitable as well as legal estate in land may be sold to enforce the collection of taxes, and purchaser under sale of equitable estate shall be substituted to all of the rights of the former owners. The Recorder and Treasurer, with the consent of the Mayor and Aldermen, shall have the right to add to the tax list any taxable property or poles assessable for taxation, which has been omitted from the tax books; *provided*, that all proceedings now pending for the collection of delinquent taxes may be prosecuted under the provision of Chapter 74, Acts of 1907, and under the provision of this Act. It shall be the duty of the Recorder and Treasurer to report to the Board of Mayor and Aldermen at each regular monthly meeting in writing all of his official acts, especially the collections and disbursements of money belonging to the town. He shall keep the minutes of the meetings of the Board of Mayor and Aldermen in a well-bound book to be furnished by the Board. It shall be the duty of the Recorder and Treasurer to appoint additional police when occasion seems to demand. It shall be the duty of the Recorder and Treasurer, in the absence or disability of the Mayor, to discharge the duties of the Mayor. It shall further be the duty of the Recorder and Treasurer to make and publish in a newspaper published in the town of Huntingdon semiannually reports as to the financial condition of the town. <sup>Monthly reports.</sup>

SEC. 8. *Be it further enacted*, That all taxes shall be assessable on the 10th day of January of each and every year upon all property assessable for taxes that year within the corporation of the town of Huntingdon. <sup>Taxes—  
assessable  
when.</sup>

SEC. 9. *Be it further enacted*, That at the first meeting of the Mayor and Aldermen on the second Tuesday in March, 1910, and on the second Tuesday in March every year thereafter they shall elect a Town Marshal for a term of two years, who shall be twenty-one years of age, a legal voter, and a bona fide <sup>Town Marshal—term,  
qualifications, and  
duties.</sup>

citizen of the State of Tennessee; that it shall be the duty of the Town Marshal to keep the peace of the town and to arrest all persons who violate the ordinances and by-laws thereof; to give the greater part of his time or as much thereof as the Mayor and Aldermen may require to work in repairing the streets and alleys of the town; to police the town day or night when occasion may seem to demand; to care for and preserve the fire hose, reels, and other property belonging to the town, or in which it may have an interest; respond to the fire alarms, and, in connection with the captain of the fire company, have charge and supervision when fighting fire; to see that the calaboose of the said town is kept in safe, sanitary condition; to make a personal inspection of streets and alleys, vacant lots, cow lots, horse lots, pig pens, water closets, etc., in said town, and, if found in an unsanitary condition, to direct the owner or owners thereof, their agents or occupants of the premises to clean up the same, and if such person or persons fail or refuse to obey his order, report to the Mayor and Aldermen, if the Mayor and Aldermen be in session, and if not, to the Recorder and Treasurer; to do all such other duties incumbent on an officer, and to carry out the orders of the Mayor and Aldermen; to receive the delinquent tax list of the said town, which delinquent tax list shall in his hands have the same force and effect as an execution from a judgment of a court of record of this State. The said Town Marshal shall without delay proceed according to law to collect such delinquent tax and pay over to the Recorder and Treasurer, taking his receipt therefor. In the event he shall fail to collect the tax against any real estate in said town, he shall make a levy on the same and report his acts in the premises to the Recorder and Treasurer. The Town Marshal, before entering upon his duties as such, shall take and subscribe to an oath in writing, and to be signed by him, that he shall faithfully perform all duties of said Marshal and faithfully execute the ordinances and by-laws of said town, and shall execute such bond as may be required by the Mayor and Aldermen, and the Mayor and Aldermen shall have power and authority to remove the Town Marshal from office for failure to discharge his duties as Town Marshal, and

Oath and  
bond.

May be  
removed for  
cause.

From such order of removal there shall be no appeal. Should the Town Marshal be removed as heretofore provided, or for any other cause a vacancy shall occur, his successor shall be elected by the Mayor and Aldermen at the next regular meeting or at call meeting for that purpose. Vacancies.

SEC. 10. *Be it further enacted*, That the Mayor and Recorder and Treasurer shall sign all ordinances and by-laws passed by the Mayor and Aldermen, and that when any ordinance or by-law shall have been passed by said Mayor and Aldermen and properly signed as provided in this section, it shall be the duty of the Recorder and Treasurer to post at one or more public places within the limits of the corporation a properly and regularly attested copy of said ordinance or by-law. Ordinances.

SEC. 11. *Be it further enacted*, That any person, persons, firm, copartnership, or corporation applying for privilege license to do, perform, or carry on any business, avocation privileged under the laws of the State of Tennessee or the charter of the town of Huntingdon shall, before obtaining the said privileged license, make and subscribe to an affidavit before the Recorder and Treasurer, stating therein the largest, the smallest, and the average amount invested in said business or avocation within a period of one year next preceding the issuance of said privilege license, so that the ad valorem tax collected shall be equitable and just upon all business and avocations and amounts invested therein privileged as aforesaid. Privileges.

SEC. 12. *Be it further enacted*, That it shall be the duty of the Mayor of the town of Huntingdon to preside at the meetings of the Mayor and Aldermen; to preserve order and decorum, and to vote on any question before the Board in the event of a tie; to act as general financial agent of the town; to see that the by-laws and ordinances of the said town are enforced; to issue orders on the Recorder and Treasurer; to pay money owing by the corporation after due and proper appropriation by the Mayor and Aldermen; to borrow money for corporation purposes; and to hypothecate warrants or other security, subject to the ratification of the Mayor and Aldermen; to make such recommendations to the Mayor and Aldermen from time to time pertaining to the welfare Meetings of Board.

of the town or its property as he may deem it advisable.

City officials  
named.

SEC. 13. *Be it further enacted*, That the government of the corporation by the Mayor and Aldermen of the town of Huntingdon as established by the Act shall be vested in the present Mayor and Aldermen of the said town until an election of officers shall be held under the provisions of this Act on the first Saturday in March, 1910—that is to say, James McCall shall discharge the duties of Mayor; and M. Davis shall discharge the duties of Town Marshal; and Allen S. Eason shall discharge the duties of Recorder and Treasurer of said corporation; and J. F. Leach, W. L. Noell, W. E. Lee, W. L. Fowler, E. A. Morgan, and George T. McCall and Allen Eason shall discharge the duties of Aldermen of said town under this Act until their successors as provided for herein shall be elected and qualified; *provided*, they shall, within ten days after this Act takes effect, qualify as such officers and execute such bond as required by law for the Mayor, Town Marshal and Recorder and Treasurer; and in case of a vacancy in any of said offices, it shall be filled according to the provisions of this Act until the regular election the first Saturday in March, 1910.

Acts repealed.

SEC. 14. *Be it further enacted*, That so much and such parts of Chapter 318, Acts of 1903, and the amendatory Act, Chapter 34, Acts of 1905, and the amendatory Act, Chapter 74, Acts of 1907, as are in conflict with this Act shall be, and are hereby, repealed.

SEC. 15. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24th, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
Digitized by Google  
*Governor.*

## CHAPTER 309.

### SENATE BILL No. 505.

(By Mr. Mansfield.)

ACT to empower cities or towns of this State having a population of not less than 1,840 and not more than 1,860 inhabitants under and by the Federal census of 1900, or under and by any subsequent Federal census, to construct sidewalks and the curbing and guttering necessary and proper therefor along the streets, avenues, alleys, and highways of said municipalities within the corporate limits thereof; to levy special taxes, assessments, or local contributions on real estate abutting on said sidewalks; to provide a method of assessing and collecting all or a portion of the cost of said improvement on, from, and out of property and property owners abutting on said sidewalks and of paying for the same, and to authorize the issuance of bonds or certificates of indebtedness to pay for the same, and to provide for the redemption of said bonds or certificates of indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cities or towns of this State having a population of not less than 1,840 nor more than 1,860 according to the Federal census of 1900 or any subsequent Federal census, shall be lawful for the legislative body of said cities or towns to provide by ordinance duly passed for the improvement of any street, highway, avenue, or alley by laying sidewalks constructed of proper and suitable paving material, together with all necessary and proper curbing and guttering, and to provide for the making of special levies or assessments upon the land abutting on such sidewalks laid upon such street, highway, or alley or part thereof to be improved by the laying of such sidewalks of the width, character, material, and specifications to be fixed by the legislative body of said cities or towns in the ordinance creating such street, highway, avenue, or alley an improvement district.

City of Athens,  
abutting  
property act.

SEC. 2. *Be it further enacted*, That whenever the legislative body of any of said towns or cities aforesaid shall desire to avail themselves of the provisions of this Act and improve any particular portion of said city, it shall by ordinance designate the street, alley, or highway proposed to be improved,

To create  
improvement  
districts.

Committee to  
make report.

specifying the same in said ordinance by giving it a number, such as Improvement District No. . . , and in said ordinance shall designate the kind and character of work to be done, the manner and construction of said sidewalks, and the material to be used therein, and specify the depth, width, and height of the curbing, if any, and thereupon a committee of three disinterested parties, nonresidents of said improvement district, shall be nominated and appointed by the Mayor, who will report in writing to said legislative body the length of sidewalk required for said improvement district and the curbing and guttering necessary and proper, and the names of the property owners whose property shall abut on any of said sidewalks, together with the frontage of each abutting lot, and on the receipt by said legislative body of the report of said committee, it shall then be lawful for said legislative body, through any established agency it desires, whether by advertisement or otherwise, to solicit bids for the construction and completion of the improvement to be desired within said district, and on the receipt of satisfactory bids contracts may be made in accordance with said ordinance for the construction of said sidewalk, curbing, and guttering as determined upon.

Assessment on  
abutting  
property.

SEC. 3. *Be it further enacted*, That whenever bids shall have been closed for the construction of said sidewalks, curbing, and guttering, if any, the Recorder of said cities or towns shall immediately cause to be published in some newspaper circulating in said city or town a notice, which said notice shall specify in brief terms the establishment and bounds of said improvement district, and that on a date specified in said notice said legislative body shall assess the abutting property with its proportion of the expenses of said improvement, and that all interested parties may, if they desire, appear and be heard.

Cost of work—  
how divided

SEC. 4. *Be it further enacted*, That the cost of constructing said proposed improvement shall be borne as follows:

The city shall pay the cost and expenses of all excavation and grading necessary to establish the permanent grade of such street or sidewalk. The city shall also bear the expense of laying said sidewalk and constructing the curbing and guttering, if any, at the intersection of streets and alleys and in front



of city property and any other property exempt from special taxes, and the city shall pay one-fourth of the remainder of said cost, and the remaining three-fourths shall be assessed against or upon the land abutting on or adjacent to said street, highway, or alley or part thereof to be improved, and on the date specified in the notice hereinbefore provided for for the assessment of property the legislative body of said cities and towns shall proceed to assess the cost against the abutting property, making a separate assessment as to each piece of property, which said assessment may be made in substantially the following form:

“The City Council having given notice to all parties interested by ordinance as required by law, and after having given all such parties so desiring the opportunity to be heard, hereby charges and assesses that part of ..... Street, lying between ..... Street and ..... Street, the following sum for each foot for building and constructing sidewalks, curbing, and guttering, as follows:

“Description, .....

“Owner, .....

“Number of feet, .....

“Price per foot, .....

When the improvement provided for shall have been constructed and completed, the City Recorder shall mail to each property owner, at his last known post-office address, a notice stating the date when said improvement is constructed and completed, and such levy or assessment shall become payable and delinquent within thirty days after the mailing of said notice, and shall bear interest at the rate of six per cent after becoming delinquent until fully paid. Such levy shall be payable to the proper official of said city or town to whom general taxes are paid by the owners of the land upon which they are made as aforesaid at or before the time they become delinquent as hereinbefore provided, and such levies or assessments shall be a lien upon the lands or land so assessed, and may be enforced and collection made after they become delinquent, with expenses, as the payment of other taxes is now enforced and collection made in the respective cities or towns to which this Act applies; and, *provided, further*, that on the payment of said taxes, the Recorder shall give

Form of  
assessment.

Notice of  
assessment.

Assessments  
lien on  
property.

the person paying a receipt specifying on the face thereof the amount and purpose for which the payment is made.

Improvement  
districts may  
be created.

SEC. 5. *Be it further enacted*, That said cities or towns shall have the right to create as many improvement districts as it desires, and can create the same at the same time or at different times as it desires.

May issue  
improvement  
warrants.

SEC. 6. *Be it further enacted*, That for the purpose of raising funds for paying for the improvements herein contemplated, the said legislative body of said cities and towns may by ordinance authorize the issuance of warrants, to be known as "Improvement Warrants," in such amounts as said legislative body may deem proper, which said warrants shall be payable at times fixed and specified by said legislative body, and shall bear interest at the rate of six per cent from the time issued until paid, and which said warrants shall be paid out of the funds of the city, raised by taxation, either out of its general funds or for special taxes levied for that purpose; and, *provided, further*, that when the money is due the contractor or contractors for the work aforesaid, and the city shall be without funds to meet and pay for the same, may pay the same in said warrants, which said warrants are to be paid and met out of the three-fourths assessed against the property holders and the remainder out of the city funds as other city obligations are met; and, *provided, further*, that none of said warrants herein provided for shall be sold or used by the city at less than par.

Record of  
assessments.

SEC. 7. That all assessments herein provided for shall be entered in a book by the Recorder, who shall charge himself with all moneys collected on account of assessments levied for that district and credit himself with all payments made out of the same.

SEC. 8. *Be it further enacted*, That this Act take

effect from and after its passage, the public welfare requiring it.

Passed April 24th, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 310.

### SENATE BILL No. 508.

(By Mr. Mansfield.)

AN ACT to authorize, ratify, and make effective the proceedings heretofore had relative to the issuance by the Board of Mayor and Aldermen of the city of Athens, McMinn County, Tenn., of the negotiable coupon bonds of said city, to the amount of \$15,000, under and by virtue of Chapter 342 of the Acts of 1907 as amended by Chapter 29 of the Acts of the General Assembly of Tennessee for 1909.

WHEREAS under and by virtue of the provisions of Chapter 342 of the Acts of the General Assembly of Tennessee for 1907, entitled "An Act to authorize the Board of Mayor and Aldermen of the city of Athens, McMinn County, Tenn., to issue coupon bonds not to exceed \$15,000, the proceeds to be used by the Board of Education of said city for the erection of a new school building for the public school of the city and for the furnishing of the same, and for the purchase of additional real estate therefor if desirable, and for improving the grounds on which said building is erected, and also for the purpose of authorizing a tax levy to pay interest on the same, and to provide a sinking fund for the liquidation of said bonds," such proceedings were had by the Board of Mayor and Aldermen of the city of Athens,

Preamble.

McMinn County, Tenn.; that an election was duly called and held in said city on May 25th, 1907, on the proposition of issuing the negotiable coupon bonds of said city to an amount not exceeding the aggregate sum of \$15,000 under and pursuant to said Chapter 342, and at such election more than a majority of the qualified voters of said city voting thereat voted in favor of said bond proposition; and

WHEREAS the Board of Mayor and Aldermen of said city at meetings thereof duly held on May 27, 1907, June 5, 1907, June 6, 1907, and June 14, 1907, respectively, authorized and directed the execution and issuance of said bonds; and

WHEREAS under said proceedings said bonds were lithographed and executed by the Mayor and Recorder, but were not sold; and

WHEREAS at a meetings of the Board of Mayor and Aldermen of said city, held on October 17, 1908, an ordinance was duly passed, entitled An ordinance providing for the issuance of \$15,000 public-school bonds for the city of Athens, Tenn., under and by virtue of Chapter 342, Acts of Tennessee, 1907, prescribing the form of said bonds and interest coupons to be thereto attached, providing for the levy and collections of an annual tax sufficient to pay the interest on said bonds when due and provide a sinking fund for the discharge thereof at maturity, and fixing other details of the issue, and repealing an ordinance passed by the Board of Mayor and Aldermen, March 4, 1908, relative to the issuance of said bonds.

WHEREAS in accordance with said Chapter 342 the bonds so authorized by said ordinance contained the following stipulation—to wit: "Said city of Athens, at its option and by direction of the Board of Mayor and Aldermen thereof, may at any time redeem these bonds at the market price thereof;" and

WHEREAS the Fifty-sixth General Assembly of the State of Tennessee duly passed an Act, being the aforesaid Chapter 29 of the Acts of 1909, amending said Chapter 342, Acts of 1907; and

WHEREAS said city is ready to issue and sell said bonds issued in accordance with said Chapter 342 of the Acts of 1907 as amended by Chapter 29 of the Acts of 1909; but the proposed purchaser has raised the question of the power of said city to issue said

bonds without a new election, and said city has been advised that under said Chapter 342 as amended, authorizing the issuance of said bonds, it has no power to hold said election, and said election if held would be void; and

WHEREAS under the belief that said bonds had been legally authorized and had been duly sold contracts have been made for the erection and equipment of a new and modern school building in said city of Athens for the use of the public free schools there and for improving the ground on which said building is to be located; and without the sale of said bonds the said city is unable to raise funds to carry out the said contracts and to build and equip the schoolhouse aforesaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all the proceedings heretofore had by the Board of Mayor and Aldermen of the city of Athens, McMinn County, Tenn., in and about the issuance of the negotiable coupon bonds of said city to the amount of \$15,000, and all other and further action had relative to it said issue as mentioned in the preamble hereof be, and the same are hereby, declared fully authorized, ratified, approved, and confirmed.

Issue of bonds  
authorized  
and ratified.

SEC. 2. *Be it further enacted*, That the Board of Mayor and Aldermen of said city of Athens, Tenn., be, and they are hereby, fully declared authorized to issue the bonds mentioned in the foregoing section of this Act. Said bonds shall be designated "Public School Bonds, 1908;" shall be thirty in number, numbered from one to thirty, both inclusive, and of the denomination of five hundred dollars each; shall bear date of August 1, 1908, and shall become due and payable on August 1st, 1928, and shall bear interest from and after their date at the rate of six per centum per annum, payable semiannually on the first days of February and August of each year, which installments of interest to date of maturity of principal shall be evidenced by proper coupons attached to each bond. Both principal and interest shall be payable in lawful money of the United States of America at the Hanover National Bank in the city of New York, in the State of New York.

"Public School  
Bonds, 1908."

Denomina-  
tions and  
interest rate.

Each of said bonds and each of the interest cou-

pons thereto attached shall be in substantially the following forms, respectively—to wit:

Form of bonds.

.(Form of bond.)

UNITED STATES OF AMERICA,  
STATE OF TENNESSEE,  
COUNTY OF McMINN,  
CITY OF ATHENS.

No: .....

\$500

PUBLIC SCHOOL BOND, 1908.

*Know All Men By These Presents*, That the city of Athens, in the county of McMinn, State of Tennessee, acknowledges itself to owe and for value received hereby promises to pay to bearer the sum of five hundred dollars (\$500) on the first day of August, A.D. 1928, together with interest thereon from the date hereof until paid at the rate of six per centum per annum, payable semiannually on the first days of February and August of each year as evidenced by and upon presentation and surrender of the annexed interest coupons as they severally become due. Both the principal hereof and the interest hereon are payable in lawful money of the United States of America at the Hanover National Bank in the city and State of New York; and for the prompt payment of this bond, both principal and interest, at maturity, the full faith, credit, and resources of said city are hereby irrevocably pledged. This bond is issued for the purpose of providing funds for the erection in said city of Athens of a public free school building and for the equipment thereof with the necessary furnishings and school apparatus, and for the improving of the grounds of said school building in accordance with more than a majority vote of the legally qualified voters of said city at an election called and held therein in full compliance of law on the 25th day of May, 1907, and pursuant to an ordinance duly passed by the Board of Mayor and Aldermen of said city, and in all respects under, by virtue of, and in full compliance with the provisions of an Act of the General Assembly of the State of Tennessee, passed April 6, 1907, approved April 11, 1907, entitled "An Act to authorize the Board of Mayor and Aldermen of the city of Athens, McMinn County, Tenn., to issue coupon bonds not to exceed \$15,000, the proceeds to

used by the Board of Education of said city for the erection of a new school building for the public schools of said city and for the furnishing of the same, and the purchase of additional real estate therefor by the said Board of Education if desirable, and for improving the grounds on which said building is erected, and also for the purpose of authorizing a tax levy to pay interest on the same and provide a sinking fund for all liquidation of said bonds," being Chapter 29 of the Acts of 1909, and so under and by virtue of an Act passed by the General Assembly of the State of Tennessee, and approved, being Chapter . . of the Acts of the General Assembly of Tennessee of 1909, entitled "An Act to authorize, ratify, and make effective the proceedings heretofore had relative to the issuance by the Board of Mayor and Aldermen of the city of Athens, McMinn County, Tenn., of the negotiable coupon bonds of said city to the amount of \$15,000 under and by virtue of Chapter 342 of the Acts of 1907 as amended by Chapter 29 of the Acts of the General Assembly of Tennessee for 1909."

And it is hereby certified, recited, and warranted that all things, acts, and conditions required by the Constitution and laws of the State of Tennessee and the charter of said city to happen and be done and performed precedent to and in the issuance of this bond have happened and been properly done and performed in regular and due form and time as required by law; that the total indebtedness of said city, including this bond, does not exceed any constitutional or statutory limitations, and that due provision has been made for the levy and collection of a direct annual tax upon all of the taxable property of said city sufficient to pay the interest hereon promptly when and as the same falls due, and also to discharge the principal hereof when same matures.

In witness whereof the said city of Athens by its Board of Mayor and Aldermen has caused this bond to be signed by its Mayor and Recorder under its corporate seal, and each of the interest coupons hereto attached to be executed by the lithographed facsimile signature of said officers as of the first day of August, 1908.

.....,

Mayor.

.....,

Recorder.

Form of  
coupons.

(Form of coupon.)

\$15.

No. ....

\$15.

On the .... day of ...., 19.., the city of Athens, in the county of McMinn, State of Tennessee, will pay the bearer at the Hanover National Bank in the city and State of New York, the sum of (\$15) in lawful money of the United States, being six months' interest due that day on its School Building Bond of 1908, dated August 1st, 1908.

No. ....

.....,  
Mayor.  
.....,  
Recorder.

How signed.

That each of said bonds shall be signed by the Mayor and Recorder and under the corporate seal of said city, and each of the interest coupons attached to said bonds shall be executed by the original or lithographed facsimile signatures of said Mayor and Recorder, and said officials are hereby authorized and directed to cause said bonds to be prepared substantially in the forms hereinbefore set forth, and to execute the same as aforesaid for and on behalf of said city of Athens; and when so executed, said bonds may be sold to any purchaser for cash not less than par, and the proceeds derived from the sale of said bonds shall be paid to the City Recorder, and by him immediately and without any commission thereon transferred to the Treasurer of the Board of Education of said city of Athens, to be used solely for the purposes for which said bonds recite they are issued.

Proceeds of  
of issue.

Tax levy and  
sinking  
fund.

SEC. 3. *Be it further enacted*, That the special tax heretofore levied and provided by the Board of Mayor and Aldermen of said city of Athens to be levied and collected to pay the interest on the bonds issued hereunder, and also to provide a sinking fund with which to pay the principal of said bonds at maturity, be, and the same are hereby, in all respects authorized, ratified, approved, and confirmed, and all funds collected under said levy shall be used only to pay the interest on and said principal of said bonds when due.

SEC. 4. *Be it further enacted*, That the Board of Mayor and Aldermen of said city of Athens by resolution and ordinance be, and they are hereby, au-



thorized to make such provision for and perform all acts in and about the issuance, sale, and delivery of said bonds as to carry out the intent and purpose of this Act, and the issuance of said bonds, except as herein otherwise provided, shall be as prescribed by said Chapter 342 of the Acts of 1907 as amended by Chapter 29 of the Acts of 1909.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24th, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 311.

### SENATE BILL No. 516.

(By Mr. Neal.)

A BILL to be entitled An Act to authorize Sequatchie County, through its County Court, to issue bonds for the purpose of building a courthouse, and provide for the sale, expenditure, and payment of said bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Sequatchie be, and is hereby, authorized to issue bonds of the said county in a sum not to exceed fifteen thousand dollars (\$15,000); *provided*, that the County Court of said county assembled in regular quarterly session shall by vote of a majority of the Justices of the Peace present vote for the issuance of said bonds, the said bonds when issued to be sold, and the funds derived from such sale to be used in building a courthouse in the town of Dunlap, Tenn.

Amount of  
bonds.

Denomina-  
tions and  
interest.

SEC. 2. *Be it further enacted*, That said bonds shall be signed by the County Judge of Sequatchie County and countersigned by the Clerk of the County Court of said county, with his official seal affixed thereto, and said bonds shall be in such denominations as the court shall direct; *provided, however*, that no bonds shall be issued in denominations less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), and they shall be numbered consecutively in the order of issuance, beginning at one, and each bond shall have attached to it interest coupons, showing amount of annual or semi-annual installments of interest as the court directs, and when said interest falls due, which coupon shall be signed in the same manner as the bonds, but without the seal of the court, and they shall show on their face the number of the bond to which they are attached.

May redeem  
bonds.

Notice to bond-  
holders.

SEC. 3. *Be it further enacted*, That said bonds shall mature at such time or times as may be fixed by the county; *provided*, that the time of such maturity shall not exceed twenty (20) years, and that the said county shall fix the time when the interest on said bonds shall be due and payable, whether annually or semiannually, and the rate of interest thereon, which shall not exceed six (6) per cent per annum, and that said bonds or any part thereof may be redeemed or paid at any time during the period for which they are issued after the expiration of the first two years by giving 30 days' notice to holders of said bonds by publication of said notice in some newspaper published in said county, which notice shall enumerate the bonds to be redeemed, beginning always with the lowest numbered bond outstanding, and said notice when so published shall be an estoppel of interest on the bond enumerated therein.

Tax levy and  
sinking  
fund.

SEC. 4. *Be it further enacted*, That the County Court shall levy annually a tax upon all taxable property and privileges within said county for the purpose of paying the interest and creating a sinking fund to pay the principal of said bonds as they mature or as the county may elect to redeem said bonds or any part of same, said tax to be known as "Courthouse Tax," and to be collected by the County Trustee as other taxes of the county are collected.

SEC. 5. *Be it further enacted*. That the court shall

provide for the manner of the sale of said bonds, and the proceeds of sale shall be turned over to the County Trustee and held by him to meet the payment of such warrants as may be drawn by the county for the expense of building the courthouse, and the court may require the Trustee to execute a special bond to cover the fund if they deem it advisable. The County Judge shall keep a record of the issuance and payment of said bonds and of the payment of interest thereon, as well as the proceeds of the sale thereof, and he shall make settlement with the Trustee for the funds arising from the sale of said bonds and from the taxes collected to meet the principal and interest on same as he makes settlements of other funds going into the hands of the Trustee; *provided*, that when an amount of two hundred and fifty dollars (\$250) or more shall be in the Trustee's hand of said fund, it shall be paid on said bonds, or publication for redemption made as above provided.

Proceeds of  
issue.

Records to be  
kept.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24th, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 312.

### SENATE BILL No. 517.

(By Mr. Neal.)

A BILL entitled An Act to incorporate the territory and inhabitants of the Fourth Civil District of Sequatchie County into a town, under the name and style of "Taxing District of Dunlap," and to define its rights and powers.

**Boundaries.**

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the territory and the inhabitants thereof within the following described boundaries, being the boundaries of the Fourth Civil District of Sequatchie County, Tenn., as at present constituted, to wit—beginning in the center of Sequatchie River, opposite the mouth of Brush Creek; thence up said Brush Creek as it meanders to where Big Brush Creek and Little Brush Creek come together; thence up and with Big Brush Creek to the top of Cumberland Mountain, the line between the Second and Fourth Civil Districts of said county; thence southwardly with the top of said mountain, said line between the said Second and Fourth Civil Districts, to Stone's Creek, or the line between the Fourth and Sixth Civil Districts of Sequatchie County; thence eastwardly with the line between the said Sixth and Fourth Civil Districts of Sequatchie County to the center of Sequatchie River; thence up said river with the center of the same as it meanders to the beginning—are hereby made into an incorporated town and constituted a body politic and corporate under the name and style of "Taxing District of Dunlap." By said name they shall have perpetual succession; may sue and be sued, contract and be contracted with, plead and be impleaded; may acquire and hold property—real, personal, and mixed—and dispose of the same for the benefit of said corporation.

**General powers.**

**Commission created.**

SEC. 2. *Be it further enacted*, That the government of said Taxing District of Dunlap be, and the same is hereby, vested in three Commissioners to be elected or appointed as hereinafter directed, one of

whom shall be elected Mayor by said Commissioners, whose duty it shall be to preside at all their meetings if he shall be present. Each of said Commissioners shall be bona fide citizens, residents of, and freeholders within the boundaries of said corporation, and shall have been such for twelve months next preceding his election or appointment as hereinafter provided.

A majority of said Commissioners shall constitute a quorum for the transaction of business.

Said Commissioners shall also elect one of their number Recorder of said corporation, whose duty it shall be to record and keep a record of the proceedings of all the meetings of said Board of Commissioners, carefully preserve the same, and deliver said records to his successor when elected and qualified; and in the absence of the Mayor, to preside over the meetings of the Board of Commissioners. Before entering upon the discharge of their duties, each of said Commissioners shall, within thirty (30) days after the passage and approval of this Act, take and subscribe to an oath to faithfully and impartially perform their duties according to law as such Commissioners.

SEC. 3. *Be it further enacted*, That W. V. Freiley, J. A. Lamb, and J. W. C. Jones, who are bona fide citizens, residents of, and freeholders in said taxing district, are hereby appointed Commissioners of said Taxing District of Dunlap, who shall hold their offices until the first Saturday in May, 1911, and until their successors are elected and qualified; and in the event either of said Commissioners shall fail or refuse to qualify, or his office becomes vacant, the other two Commissioners shall elect his successor to fill out the unexpired term. On the first Saturday in May, 1911, and every two years thereafter there shall be held an election in said taxing district for the purpose of electing three Commissioners for the government of said town, who shall hold their office for two years or until their successors are elected and qualified, and said Commissioners shall qualify and meet and organize within ten days after their election. In the event of any vacancy in the offices of said Commissioners, the two remaining Commissioners shall fill such vacancy until the next regular election. At any time any Commissioner shall cease

Commissioners  
named.

Biennial  
elections.

Vacancies.

Meetings.

to be a bona fide citizen, resident of, and freeholder in said town, it shall be the duty of the other Commissioners to declare his office vacant and elect his successor. Said Commissioners shall serve without compensation, except as hereinafter provided. Said Commissioners shall hold regular meetings for the transaction of general business on the second Monday of January, April, July, and October of each year, and may hold special meetings at such times as the Mayor or a majority of said Commissioners shall decide, notice of which shall be given to all the Commissioners if practicable. Said Commissioners and other officers of said town hereinafter provided shall, before the entering upon the discharge of their duties, take and subscribe to an oath to honestly and faithfully discharge their duties as such officers and enter into and execute such bond as said Commissioner may by ordinance require.

Powers by Ordinance.

SEC. 4. *Be it further enacted*, That said corporation by its said Commissioners shall have power:

1. To adopt, use, and have a common seal.
2. To enact such laws and ordinances as may be necessary and proper to preserve the health, quiet, and good order of said town.
3. To prevent and abate nuisances.
4. To impose and collect fines and penalties for the violation of its ordinances.

Town Marshal.

5. To elect and employ a Town Marshal to preserve the peace and enforce the ordinances and by-laws of said town, who shall be paid as may be fixed by ordinance of said town; *provided*, that no compensation shall be allowed such Marshal, except fees, which may be fixed by ordinance of said town.

6. To punish by fine and imprisonment, or both, all violation of its ordinances; *provided*, that all offenders against the ordinances of said town shall be tried before the Recorder of said town, who shall collect and pay over to the Trustee of Sequatchie County all fines assessed and collected by him.

The compensation of the Recorder shall consist of fees only, which fees shall be fixed by the ordinances of said town.

Schools.

7. To establish and maintain a system of public schools, the control and management of which shall be vested in a Board of three School Directors, who shall be elected and qualified at the same time and

in the same manner as the town Commissioners are elected and qualified, and who shall be bona fide citizens, residents of, and freeholders in said town or taxing district; *provided*, that W. L. Smith, T. S. Williams, and J. W. Honey, who are bona fide citizens, residents, and freeholders in said town or taxing district, are hereby appointed School Directors of said taxing district, and shall hold their office until the first Saturday in May, 1911, and until their successors are elected and qualified. In the event either of the above-named School Directors fail or refuse to qualify as hereinbefore provided, or if at any time there shall occur a vacancy [in] the Board of School Directors of said town or taxing district, then the Commissioners of said town or taxing district shall elect his or their successors to serve until the next regular election. Said School Directors shall serve without compensation, except the Clerk of said Board, for the enumeration of the children in said town of school age, which shall be taken on the first day of June each year, and report of same made to the Superintendent of Public Instruction of Sequatchie County. Said School Directors shall make annual report to said Superintendent and to the Town Commissioners on the first of July each and every year.

Board of  
School  
Directors  
named.

Vacancies.

Scholaastic  
census.

8. To acquire, hold, and improve real estate for corporation and school purposes.

9. To levy and collect taxes on all property—real, personal, and mixed—and privileges and polls within the limits of said town, which is or shall be taxable by the laws of the State; *provided*, that no levy shall be made on real or personal property to exceed twenty (20) cents for any one year on the one hundred dollars (\$100) valuation of said property as assessed for State and county taxation, and not exceeding twenty-five (25) cents on polls, the county assessment to be taken as the basis of taxation.

Tax levy.

10. To license all privileges which by the laws of the State are liable for privilege taxes; *provided*, that no tax shall be imposed on any business, calling, or property exempted from taxation by the State; *provided*, that any person, firm, or corporation engaged in any business or occupation declared a privilege shall not be taxed exceeding \$2.50 for any one year.

Privileges.

11. To enact all laws and ordinances necessary and proper to enforce the powers granted and not inconsistent with the Constitution of the United States or the State of Tennessee.

SEC. 5. *Be it further enacted*, That the title to the school lot, schoolhouse, and all other school property of and belonging to the Fourth Civil District of Sequatchie County, Tenn., is hereby vested in said Taxing District of Dunlap, and said taxing district shall have and be entitled to its pro rata of the State and county school fund under the general laws.

May borrow  
money for  
school  
purposes.

SEC. 6. *Be it further enacted*, That for the purpose of erecting and equipping a schoolhouse or houses and improving its school grounds, said corporation or taxing district is hereby authorized and empowered to borrow a sum of money not exceeding three thousand dollars (\$3,000), for which it may execute its note or notes and secure the same by mortgage or deed of trust upon any real estate held by it for school purposes and the buildings thereon. Said note or notes and the deed of trust securing the same shall provide for the payment of the money so borrowed in not exceeding ten (10) equal payments in equal annual installments, with interest on said installments at a rate not exceeding six (6) per cent per annum, and may contain such terms and conditions as said town Commissioners may deem best to accomplish the end in view not inconsistent with the general laws of the State or this Act. The money so borrowed shall be used for the purpose in this section stated and for no other purpose.

SEC. 7. *Be it further enacted*, That nothing in this Act shall be construed to render said corporation liable in respect to public roads or bridges and streets within said taxing district; but said roads, streets, and bridges shall be county roads and bridges, and then general road laws applicable to the unincorporated portions of Sequatchie County shall apply to and operate within the territory included within said town in all respects as if said town were not incorporated.

Tax levy for  
1909.

SEC. 8. *Be it further enacted*, That the Commissioners of the Taxing District of Dunlap are hereby given express power and authority to levy and collect taxes and privileges as hereinbefore provided for the year 1909, and said levy shall have the same



force and effect as if made before January 10th, 1909.

**Sec. 9.** *Be it further enacted,* That when a tax levy is made for each and every year by the Commissioners of the Taxing District of Dunlap on real and personal property, the Recorder of said taxing district shall certify the amount of said tax levy for each year on or before July the first of each and every year to the County Court Clerk of Sequatchie County, whose duty it shall be to include said levy with other taxes for the Fourth Civil District of said county.

County Court Clerk to include levy with other taxes for district.

Said County Court Clerk shall provide a separate column on his tax book for the Fourth Civil District of said county, in which the total tax under said levy by the taxing district shall be placed, and to be known as "City Tax." The said County Court Clerk shall receive such compensation for making said tax list as said Commissioners of the Taxing District of Dunlap may from time to time allow him.

Special column on tax book required.

**Sec. 10.** *Be it further enacted,* That the Trustee of Sequatchie County shall be the Treasurer of said Taxing District of Dunlap, and he shall execute bond in double the amount of taxes and monies coming into his hands as such, payable to the said Commissioners of said corporation and to be approved by them.

Trustee to be Treasurer.

He shall receive all monies belonging to said corporation arising from taxation, fines, privileges, or otherwise and disburse the same upon vouchers signed by at least two of said Commissioners of the Taxing District of Dunlap.

Said Trustee of Sequatchie County shall have the same power and authority to collect said taxes of said taxing district and issue distress warrants for the collection of delinquent and back taxes as he has for the collection of other taxes due said county, and shall receive the same per cent for collecting and disbursing said corporation funds as other taxes collected by him, and shall keep a separate account of the funds belonging to said taxing district, and shall make quarterly reports to the Commissioners of the taxing district of all moneys received and disbursed by him.

Collection of taxes.

**Sec. 11.** *Be it further enacted,* That that the Recorder of said taxing district shall be invested with

Duties and  
powers of  
Recorder.

concurrent jurisdiction with Justices of the Peace in all cases of violation of the criminal laws of the State or of the ordinances of the Taxing District of Dunlap within the limits of said taxing district, and shall receive the same fees as Justices of the Peace for like services. Said Recorder shall also collect all privileges and ad valorem taxes and pay the same to the Trustee of Sequatchie County, taking his receipt therefor. Said Recorder shall have the power, and is hereby authorized, to issue distress warrants for the collection of said taxes if necessary. He shall make quarterly reports to said Board of Commissioners of all monies collected and paid out by him.

SEC. 12. *Be it further enacted*, That all license to transact business inside the Taxing District of Dunlap shall be signed by the Recorder of said taxing district.

Duties and  
powers of  
School  
Directors.

SEC. 13. *Be it further enacted*, That the School Directors of said Taxing District of Dunlap shall have and exercise all authority over the schools in said taxing district as is by law conferred on District School Directors and County Boards of Education, and they shall issue their order, signed by at least two of said Board, to the Board of Commissioners for the payment of all monies for school purposes, and said Board of Commissioners shall draw their warrant on the Trustee for said amounts as hereinbefore provided.

SEC. 14. *Be it further enacted*, That the School Directors for the Taxing District of Dunlap are hereby authorized and empowered, and shall have the authority, to make such contracts or agreements with the County High School Board of Sequatchie County as they deem proper and just for the erection and equipment of a school building and the maintainance therein of a county high school jointly with the school of said taxing district; *provided*, said High School Board shall have authority to elect, employ, and have supervision of the teachers and pupils in the high school department: and, *provided, further*, said High School Board shall at no time without the consent of the School Directors of said taxing district use or be entitled to more of said building than their proportionate part thereof as may appear from the proportionate part of the cost of such school build-

**ing** as may be paid or appropriated by said County High School Board in the erection and equipment of the same.

**SEC. 15.** *Be it further enacted,* That all taxes and monies levied and collected under this Act after the payment of the current expenses of said corporation, in no case to be more than . . . . per cent of the amount collected, shall be applied to the payment of the notes executed by the Commissioners of said taxing district for the purpose of erecting and equipping a school building as hereinbefore provided.

Application of taxes.

**SEC. 16.** *Be it further enacted,* That it shall be the duty of the Board of Election Commissioners of Sequatchie County to open and hold under the general election laws of the State an election at the courthouse in the town of Dunlap after having given ten days' previous notice by written posters in at least three public places in said taxing district for the purpose of electing three Commissioners and three School Directors hereinbefore provided for. Said election shall be held on the first Saturday in May, 1911, and every two years thereafter as hereinbefore provided, and the polls shall be open from one o'clock P.M. to five o'clock P.M. At said elections all bona fide citizens of said taxing district above the age of 21 years who shall have resided in said taxing district for six months next preceding said election shall be qualified voters at said elections; *provided,* they have also complied with the general laws of the State in reference to the qualification of voters. The three persons receiving the highest number of votes for town Commissioners and School Directors, respectively, at said election shall be declared elected for the term hereinbefore provided, and shall receive a certificate of election from the officer or officers charged with the duty of holding said election.

Biennial elections.

**SEC. 17.** *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

**SEC. 18.** *Be it further enacted,* That this Act take

effect from and after its passage, the public welfare requiring it.

Passed April 23d, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 313.

### SENATE BILL No. 522.

(By Mr. Parham.)

**N** ACT to repeal an Act entitled "An Act to authorize the Mayor and Aldermen of the town of Morristown, a municipal corporation in Hamblen County, Tenn., to issue and sell coupon bonds of said town in a sum not to exceed \$100,000, the proceeds thereof to be applied to the construction and equipment of a sewerage system for said town," being Chapter No. 519 of the Acts of the General Assembly for 1907.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 519 of the Acts of the General Assembly of the State of Tennessee for the year 1907, entitled "An Act to authorize the Mayor and Aldermen of the town of Morristown, a municipal corporation in Hamblen County, Tenn., to issue and sell coupon bonds of said town in a sum not to exceed \$100,000, the proceeds thereof to be applied to the construction and equipment of a sewerage system for said town," be, and the same is hereby, repealed.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24th, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 314.

### SENATE BILL No. 525.

(By Mr. Parham.)

AN ACT to amend an Act entitled "An Act to incorporate the town of Morristown, in Hamblen County, Tenn.," being Chapter 103 of the Acts of the General Assembly of the State of Tennessee for the year 1903; and to repeal so much of Chapter 506 of the Acts of the General Assembly of the State of Tennessee for the year 1903, entitled "A Bill to be entitled An Act to amend an Act passed February 12th, 1903, and signed March 13th, 1903, incorporating Morristown, and to reduce the corporate limits of Morristown," as is in conflict with this Act, and to extend the present corporate limits of the town of Morristown.

Corporation  
limits  
extended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 103 of the Acts of the General Assembly of the State of Tennessee for the year 1903, being an Act entitled "An Act to incorporate the town of Morristown, in Hamblen County, Tenn.," be, and the same is hereby, amended so as to increase or extend the corporate limits of said town by adding to the present corporate limits of said town the following boundary—to wit:

Beginning in the southern boundary line of the present corporate limits of the town of Morristown as now established at the northeastern original corner of what is known as the "Dairy Spring Farm;" thence southwardly 21 degrees east 980 feet to the southern edge of Pauline Avenue, a stone planted; thence south 69 degrees westwardly with the southern edge of Pauline Avenue 1,714 feet to a stone planted in the western edge of Ulco Drive; thence north with the western edge of Ulco Drive about 980 feet to the southern edge of the present corporate limits of the town of Morristown as now established; thence eastwardly with the southern edge of the corporate line as now established to the beginning.

SEC. 2. *Be it further enacted*, That so much and such parts of Chapter 506 of the Acts of the General Assembly of the State of Tennessee for the year 1903, being entitled "A Bill to be entitled An Act to

amend an Act passed February 12th, 1903, and signed March 13th, 1903, incorporating Morristown, and to reduce the corporate limits of Morristown," as excluded the above boundary from the corporate limits of the town of Morristown, be, and the same is hereby, repealed.

Sec. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24th, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 315.

### SENATE BILL No. 527.

(By Mr. Sells.)

AN ACT to authorize incorporated cities and towns of this State, in counties having a population of not less than 16,525 population nor more than 16,689 population by the Federal census of 1900 or any subsequent Federal census, which are or may hereafter be engaged in furnishing light and power to their inhabitants, or electric lighting and power companies organized or which may be hereafter organized under the laws of this State and doing business in such counties, to construct dams and intakes in nonnavigable streams or in nonnavigable portions of streams in counties of such population; *provided* same be constructed at places where the town, city, or company is the owner of the land on both sides of the stream at the site of such dam or intake, or where the consent of such owner or owners has been procured.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That incorporated cities and towns of this State in counties having a population of not less than 16,525 thousand population and

Applies to  
towns in  
Carter  
County.

not more than 16,689 thousand population by the Federal census of 1900 or any subsequent Federal census which are or may hereafter be engaged in furnishing light and power to their inhabitants or electric lighting and power companies organized or which may hereafter be organized under the laws of this State and doing business in such counties be, and the same are hereby, authorized to construct dams and intakes in nonnavigable streams or in non-navigable portions of streams in counties of such population; *provided, however*, that same be constructed at places where the town, city, or company is the owner of the land on both sides of the stream at the site of such dam or intake, or where the consent of such owner or owners has been obtained.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 24th, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM R. PATTERSON,  
*Governor.*



CHAPTER 316.

SENATE BILL No. 537.

(By Mr. Turner.)

**AN ACT** to authorize the County Court of Stewart County, Tenn., to elect a County Attorney, and fixing his term of office, and to authorize it to fix his salary.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Stewart County, Tenn., is hereby authorized and empowered to elect a County Attorney, whose term of office shall be two years, and to fix his salary.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 24th, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 27, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

## CHAPTER 317.

### SENATE BILL No. 481.

(By Messrs. Huffaker and Cooper, by request.)

AN ACT to authorize Mayor and Aldermen of Lonsdale to issue thirty thousand dollars of coupon bonds, or so much thereof as may be necessary with which to improve and repair its streets, for the improvement and benefit of its schools, and for the improvement of its sanitary conditions upon certain conditions.

Bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for Mayor and Aldermen of Lonsdale, in the manner and under the restrictions hereinafter provided, to issue in its corporate capacity coupon bonds, to be signed by the Mayor and countersigned by the Recorder, to the amount of thirty thousand dollars or so much thereof as may be necessary to be appropriated for the improvement or repair of its streets, for the improvement and benefit of its schools, and for the improvement of its sanitary conditions; *provided*, that said bonds or the proceeds thereof shall be used exclusively for the purpose above set out and in such manner within the corporate limits of said city as may hereafter be determined upon by the Mayor and Aldermen of said city.

SEC. 2. *Be it further enacted*, That all bonds issued under this Act shall be of such denominations, bear such rate of interest, not exceeding six (6) per cent per annum, and be due in such time, not less than five nor more than thirty years from date, and be payable at such time and places as the corporate authorities may determine, and the interest shall be payable at such times as Mayor and Aldermen may determine, and said bonds shall recite the date of issuance, the date of maturity, the fact that a special tax has been authorized to be levied to create a sinking fund for their payment, and shall include such other matters of law or fact as the Mayor and Aldermen of said city may determine to be essential to protect the respective interests of said city and the purchasers of said bonds, and the said bonds shall be

sold by the Mayor, Recorder, and Finance Committee of said city; *provided, however*, that all bonds shall bear the same rate of interest.

SEC. 3. *Be it further enacted*, That the bonds provided for by this Act shall in no case be sold for less than par value, and accrued interest, if any, and the coupons attached shall at maturity be receivable for all taxes and dues to the corporation, except sinking-fund taxes and school taxes.

SEC. 4. *Be it further enacted*, That as soon as the bonds herein authorized or any portion thereof shall have been issued hereunder, the Board of Mayor and Aldermen of Lonsdale shall provide by ordinance a sinking fund wherewith to retire said bonds, and the said fund shall be used exclusively for sinking-fund purposes and be sufficient, with its accumulations, as nearly as may be estimated, to meet and retire the principal indebtedness at maturity, and the said sinking fund shall be intrusted to the management of the Sinking Fund Commissioners as provided for in the following section.

SEC. 5. *Be it further enacted*, That said corporation, upon providing for the sinking fund aforesaid, shall appoint or select by ballot three persons, citizens of said city, who shall be known as "Sinking Fund Commissioners," who shall hold office for three years and until their successors shall be elected and qualified, and to be so elected that the term of office of one of said Commissioners shall expire each year; *provided*, that at the first election one Commissioner shall be elected for one year, one for two years, and one for three years, and every year thereafter one shall be elected to serve for three years, and said Commissioners shall take and subscribe to an oath in writing before any person authorized to administer oaths in judicial proceedings faithfully to discharge their duties, and shall give bond in such sum and otherwise qualify themselves and receive such compensation as the ordinance of the corporation may prescribe and provide.

SEC. 6. *Be it further enacted*, That said Commissioners shall receive from the collector of taxes of said city all sinking-fund taxes, and shall invest the same from time to time in the bonds of the corporation, and make settlement of their accounts in such manner and with such persons as the corporation

Sinking fund.

Sinking Fund  
Commissioners.

Taxes.

may by ordinance direct; *provided, however, that* whenever such bonds of the city are purchased or invested in by said Commissioners, they shall cancel the same in the presence of the Mayor and Aldermen of the City Council in such manner as may be determined by ordinance.

Sec. 7. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed April 23rd, 1909.

WILLIAM KINNEY,  
*Speaker of the Senate.*

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

Approved April 28th, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

CHAPTER 318.

HOUSE BILL No. 945.

(By Mr. Burbage.)

AN ACT to permit the municipality of Johnson City, Tenn., to establish a sanitary cart service, and to levy a tax or assessment against each householder or premise a sum not exceeding 50 cents a month, and for each store, hotel, restaurant, or other places of business where there is likely to be an accumulation of trash, a sum not to exceed \$1 a month.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the city of Johnson City is hereby granted the right to establish a sanitary cart service for the purpose of carting away all filth and debris, and to clean up and remove contents of outhouses, privies; remove trash and garbage from residences, hotels, restaurants, stores, and such other premises as have accumulations of trash, etc. (except compost or manures from stables, barns, or sheds), and to charge a sum not in excess of fifty cents for each residence or premise other than stores, hotels, restaurants, and other premises, and to charge for such hotels, restaurants, stores, and such other places a sum not to exceed one dollar each per month.

SEC. 2. The city shall have the right to collect the fees monthly by and through the police force of the city, and in the event that any are not paid, the same shall stand as a special assessment or tax against the property.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 26, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 28, 1909.

MALCOLM B. PATTERSON,  
*Governor.*

## CHAPTER 319.

### HOUSE BILL No. 944.

(By Messrs. Burbage and Reeves.)

AN ACT to provide a system of highways for counties of this State having a population of not less than 22,600 and of not more than 22,700 under the Federal census of the year 1900 or any subsequent Federal census.

Applies to  
Washington  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of any county in Tennessee having a population of not less than 22,600 and not more than 22,700 inhabitants under the Federal census of the year 1900 or any subsequent Federal census may, at a quarterly term or terms, elect a County Road Supervisor for said county at a salary to be fixed by said court, said Supervisor to hold office for two years or until his successor is elected and qualified. Said Supervisor, before entering upon his duty, shall take an oath before the Clerk of the County Court for the faithful discharge of his duty, and execute such bond as the court may prescribe.

County Road  
Supervisor—  
term, oath,  
and bond.

Tax levy.

SEC. 2. *Be it further enacted*, That the County Courts of counties to which this Act applies may, at the January or April term of each year, levy for each year for road purposes an ad valorem tax on all property in the county, as well as upon all taxable privileges in the county, which tax shall not be less than fifteen cents on the one hundred dollars (\$100) nor more than fifty cents on the one hundred dollars (\$100). Said tax shall be collected by the County Trustee (who shall be entitled to receive a commission of one-half of one per centum for its collection and disbursement) and held by him as a separate fund to be disbursed upon warrants signed by the District Road Commissioner for the particular civil district, and countersigned by the County Road Supervisor aforesaid and the Chairman of the County Court.

SEC. 3. *Be it further enacted*, That all of the taxes collected as aforesaid from or within any given civil

district shall be spent in acquiring rights of way, laying out and grading of roads or improvement thereof in that particular district. Taxes aforesaid collected from railway, telegraph, and telephone companies shall be distributed for expenditure as between the civil districts on basis of mileage of such companies in the several districts. Taxes aforesaid collected on privileges without *situs* in any given district shall be *prorated* among the several districts in proportion to the ad valorem taxes paid by the districts, respectively.

SEC. 4. *Be it further enacted*, That when the amount so created to be expended for road grading or improvement in any given civil district in any one year shall amount to so much as five hundred dollars (\$500), the grading, macadamizing, or improvement shall be let to contract by the County Road Supervisor, the Chairman of the County Court and the Road Commissioner of the particular civil district acting as a Board, which Board shall advertise for sealed bids for the work to be done, award of contract to be made to the lowest responsible bidder or bidders, from whom a bond in the amount of contract sum shall be required with sureties satisfactory to said Board. In event the sum to be so expended is less than five hundred dollars (\$500), the work may be done as above, or in discretion of the Board, otherwise under supervision of the County Road Supervisor and Road Commissioner of the district, acting jointly. In addition to the bond aforesaid on contract work, the Board shall stipulate for and reserve not less than ten per centum of estimates to secure the final completion of contracts and acceptance of the work by said Board. Contracts.

SEC. 5. *Be it further enacted*, That all work let to contract or done under the terms of this Act shall be upon plans and specifications and according to grade and route, fixed in advance and reduced to writing, duly signed by the County Road Supervisor and the Road Commissioner of the particular civil district in which the proposed work is to be done, and any rights of way acquired hereunder shall be by joint act and on concurrence of said two officials.

SEC. 6. *Be it further enacted*, That the County Road Supervisor shall not be a member of the County Court, nor shall any member of said court or of

the Board aforesaid be interested, directly or indirectly, in any contract let hereunder, or as an employee or otherwise with any contractor doing work hereunder.

Records to be kept.

Compensation of Chairman of County Court and Road Supervisor.

SEC. 7. *Be it further enacted*, That the County Road Supervisor shall be ex officio Chairman of said Board or boards, and that there shall be kept full minutes of all of the proceedings thereof, including all bids made and all estimates rendered and paid in a well-bound record book to be kept in the office of the County Court Clerk open to inspection by any taxpayer of the county at all reasonable times, and bids shall not be opened or acted upon otherwise than in open meeting, with all members of the particular Board present. The concurrence of two of the three members of the Board shall govern in such meeting. The compensation of the Chairman of the County Court and of the Road Commissioner for all services performed under this Act may be fixed by the County Court, not to exceed, however, two dollars a day for twenty-five (25) days; *provided*, that such compensation shall be paid by warrant as aforesaid for only days of actual service under this Act returned under oath in writing for record to the Board aforesaid.

County prisoners.

SEC. 8. *Be it further enacted*, That progress payments may be made by warrant as aforesaid to contractors on estimates signed by the County Road Supervisor, final settlement to be made and payment ordered in and by the Board in session as aforesaid.

SEC. 9. *Be it further enacted*, That all county prisoners subject to labor shall be employed upon such roads under the County Road Supervisor, when in his judgment their number and condition warrant such use. A guard or guards, not to exceed one for each ten prisoners, may be employed by the Supervisor, payable by said Board out of funds of the district where said prisoners are at labor.

SEC. 10. *Be it further enacted*, That the purpose of this Act is the creation of a special fund or funds for the acquirement of new routes, the grading or improvement by macadamizing of roads or parts of roads so acquired or now in existence as public roads, and the same shall not be construed to be in lieu of the highway tax provided by the general road law to be levied on all taxable values of the county, and that



the provisions of this Act shall apply to incorporated towns and cities, and that the said general highway tax may be expended (in whole or in part) in aid or supplement of the roads herein provided for, or not, as may be determined by the authorities charged by law with the expenditure of the general highway tax.

SEC. 11. *Be it further enacted*, That all laws and parts of laws in conflict with this Act, inclusive of Act of 1903, Chapter 271, passed April 8, 1903, be, and the same are hereby, repealed.

SEC. 12. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 26th, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 28, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 320.

### HOUSE BILL No. 938.

(By Messrs. Wiseman and Garrett.)

AN ACT to amend Sections 2 and 7 of an Act entitled "A Bill to incorporate the town of Wartrace, in Bedford County, Tenn., and to define its powers and provide for the election of officers," it being Chapter 214 of the Acts of the General Assembly of the State of Tennessee of 1903.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 2 of Chapter 214 of the Acts of the General Assembly of the State of Tennessee of 1903 be, and is hereby, amended by changing the northern and western boundary lines of the Wartrace corporate limits, to be: Running westward at right angles from the said railroad to Boundaries  
changed.

the middle of Wartrace Creek; thence southwestward with the middle of said creek to present southward line at or near the county bridge across said creek.

SEC. 2. *Be it further enacted*, That Section 7 of said Chapter 214 be, and is hereby, amended by adding at end of Section 7 the following:

"The said Board of Mayor and Aldermen shall have power by ordinance within the town:

Tax levy.

"1. To also assess and collect annually in accordance with State laws taxes upon all property taxable by the laws of the State; but said corporation taxes shall not exceed the rate of the State and county taxes.

Electric lights.

"2. To make a contract for the town for a term of years, not exceeding five, with person, firm, or corporation to furnish the streets of the town with electric lights, and to grant franchises of streets for same, and for lighting residences, and to regulate and fix all electric rates, and also to regulate the wiring of all buildings.

"3. To provide for installing, owning, and operating an electric plant within the town.

Schools.

"4. To make a contract for the town for a term of years, not exceeding five years, with person or persons for school or schools.

Water.

"5. To make a contract for a term of years, not exceeding five years, with person, firm, or corporation to furnish the town with a system of waterworks for fire protection, sprinkling streets, and for all other uses, and to regulate and fix all water rates, and to regulate the installation of all plumbing and piping.

"6. To provide for installing, owning, and operating a system of waterworks for the use and benefit of the town.

"7. To empower the Board of Mayor and Aldermen to make contract for electric lights, schools, or waterworks for a term of years longer than five years; *provided*, all such contracts be ratified by a majority of the qualified voters of the town casting their vote in an election held for such purpose.

"8. To appropriate annually money collected by taxation for term contracts for the town for electric lights, schools, or waterworks.

"9. The Mayor and Aldermen shall hold their reg-

ular meetings on the first Tuesday of each month, and such adjourned meetings as they may provide for, and shall meet in call session whenever the Mayor or a majority of the Aldermen may make a written request or call therefor.” Meetings of Board.

SEC. 3. *Be it further enacted*, That this Act take effect January 1, 1910, the public welfare requiring it.

Passed April 26, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 28, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

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## CHAPTER 321.

### HOUSE BILL No. 908.

(By Messrs. Cleage and Watson.)

AN ACT to amend the charter of the Taxing District of St. Elmo, in Hamilton County, in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Subsection Eleven (11) of Section Four (4) of the charter of the Taxing District of St. Elmo, being Chapter 433 of the Acts of 1905 of the State, be, and the same is hereby, stricken out, and in lieu thereof said subsection shall read as follows:

“To levy and collect taxes upon all property and privileges within the limits of said town which are or shall be taxable by the laws of this State; *provided*, that no levy on real or personal property to exceed one dollar on the one hundred dollars’ valuation of said property as assessed for State and county taxation.” Tax levy.

SEC. 2. *Be it further enacted*, That Section Nine

(9) of said charter be, and the same is hereby, stricken out, and in lieu thereof said section shall read as follows:

“That all taxes imposed by said town shall be payable to the County Trustee of said Hamilton County, and it is hereby made his duty to collect said taxes and to pay the same over as collected to the Treasurer of said town.”

SEC. 3. *Be it further enacted*, That all taxes imposed by said town upon real and personal property shall be a lien upon said property on and after the tenth day of January of the year for which the same are levied, and said lien shall be enforced in the manner provided by law for the enforcement of the lien of State and county taxes.

Bond issue.

SEC. 4. *Be it further enacted*, That said town be, and it is hereby, authorized through its Town Commissioners to issue and sell its interest-bearing bonds to an amount not exceeding twenty-five thousand dollars (\$25,000), the proceeds of which shall be used exclusively for the construction of a system of sewers for said town, and which shall be known as the “St. Elmo Sewer Bonds.”

Amount of  
bonds,  
denomina-  
tions and  
interest.

SEC. 5. *Be it further enacted*, That the Commissioners of said town be, and they are, authorized by ordinance to fix the time of the issuance of said bonds, the amount thereof not exceeding \$25,000; the time the same shall run, which shall not exceed twenty years; the denominations in which they shall be issued, which shall be \$100 or a multiple thereof, not exceeding \$500; and the rate of interest which they shall bear, which shall not exceed five per cent per annum, the same to be payable annually or semiannually, as the Commissioners may determine, and to be evidenced by coupons attached to said bonds.

SEC. 6. *Be it further enacted*, That said bonds shall be in the usual form of such bonds, and shall be payable in the lawful money of the United States, and shall be signed by the Mayor and countersigned by the other two Commissioners of said town. The coupons shall be signed and countersigned in like manner, or the signatures of the Mayor and Commissioners may be stamped thereon.

SEC. 7. *Be it further enacted*, That said bonds shall not be sold for less than par, and no commission shall be paid for selling the same.

SEC. 8. *Be it further enacted*, That it shall be the <sup>sinking fund.</sup> duty of said town out of the taxes collected by it to pay the interest upon said bonds, and each year to set aside as a sinking fund an amount which, together with accumulations, shall be sufficient, as near as may be estimated, to pay said bonds at their maturity.

SEC. 9. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 26, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WM. KINNEY,  
*Speaker of the Senate.*

Approved April 28, 1909.

MALCOLM R. PATTERSON,  
*Governor.*

## CHAPTER 322.

### HOUSE BILL No. 904.

(By Mr. Lenoir.)

AN ACT to amend Section 16, Chapter 572, of the Acts of 1907, being an Act entitled "An Act authorizing Loudon County, Tenn., upon an affirmative vote of the people, to build and macadamize public and pike roads in said county, appoint Commissioners and fix their duties, and issue and sell bonds for the purpose of this Act, and to provide for the payment of interest on and principal of said bonds; and as amended by the Legislature at the present session, so to require the Sinking Fund Commissioners provided for in said Act to take an oath of office and to give such bond as the County Court of said county may require, in no event to be less than double the amount of the Sinking Fund that may be under their control at any time."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 16, Chapter 572 of the Acts of 1907, be amended by adding to said Section 16 the following words: "The said Sinking Fund Commissioners shall, before entering upon the discharge of their duties as such, and be-

Oath and bond  
of Sinking  
Fund Com-  
missioners.

fore receiving into their custody or control any part of the sinking fund, take an oath to faithfully perform the duties imposed upon them as such Sinking Fund Commissioners, and shall execute a joint and several bond in such sum as the County Court may require, in no event to be less than double the amount of said sinking fund that may be in their hands or under their control at any time. Said bond shall be approved by the Chairman of the County Court of Loudon [Loudon] County, and by him filed and preserved in the archives of the county. The County Court may from time to time require a new bond or new sureties thereon as a due regard for the preservation of the said sinking fund may require.”

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 26, 1909.

M. HILLSMAN TAYLOR,  
*Speaker of the House of Representatives.*

WILLIAM KINNEY,  
*Speaker of the Senate.*

Approved April 28, 1909.

MALCOLM R. PATTERSON,  
*Governor.*









